

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5676 of 2021**

Naresh Sahu, S/o. Shri Biharilal Sahu, aged about 18 years, R/o. Kotra Road, Savitri Nagar, Modipara, Tahsil and District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station- City Kotwali, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Prabhat Kumar Saxena, Advocate

For Respondent/State : Ms. Akshara Amit, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/09/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.178/2021, registered at Police Station – City Kotwali, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 354, 323, 394 of the Indian Penal Code and Section 12 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 12.03.2021. The victim of this case has been examined in the trial and her statement is unreliable. The trial is not making any

sufficient progress so far. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has fully supported the prosecution case in her Court's statement. Hence, the applicant may not be released on bail.
4. The prosecutrix is virtually present before this Court on notice through the Help Desk of D.L.S.A. Raigarh. She has objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, the applicant had been stalking and following the minor victim. He also obtained the mobile number of the victim and by making call to her, he used to express love for her, which was not appreciated by the victim. Subsequent to that, on the date of incident, when the victim was on her way to school, the applicant caught hold of her and he was dragging her, when brother of the victim came to her rescue, subsequent to which, the FIR has been lodged.
7. Considered on the submissions. The applicant does not have any criminal antecedents and looking to the length of detention of the applicant in jail so far and also that there is possibility of delay in conclusion of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram