

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5822 of 2021**

Bhagirathi Lodhi, S/o. Firta Lodhi, aged about 45 years, R/o. Village Kanwalpur, P.S. City Kotwali, Mungeli, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - The Police Station, City Kotwali, District-Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/09/2021

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.353/2021, registered at Police Station – City Kotwali, District – Mungeli (C.G.) for the offence punishable under Section 354 of the Indian Penal Code and Section 8 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 20.07.2021. The son of this applicant had married the minor victim, who is a member of other caste. Because of some dispute, the applicant called meeting of the elders of his community, who gave

decision against the applicant making him out-caste and also imposing penalty of Rs.3,50,000/-. The applicant then filed a complaint to the police on 13.07.2021 against the community members, subsequent to which, the false FIR has been lodged on 18.07.2021, in which the incident has been alleged to have taken place in the month of February, 2021, therefore, the whole story of the prosecution is false and concocted. 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 written complaint given by the victim and also the statement under Section 164 of Cr.P.C. is clearly against the applicant, therefore, he is not entitled for grant of bail.
4. Complainant/victim and her father both are virtually present before this Court on notice through the Help Desk of D.L.S.A. Mungeli. They have 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 minor victim got married to the son of the present applicant and was residing with him in his village. It is alleged that in the month of February, 2021, this applicant finding occasion caught hold of the victim and also touched her breast inappropriately, in this manner, he outraged her modesty, regarding which, FIR has been lodged.
7. Considered on the submissions. Taking into consideration, the chronology of the events and also that FIR has been lodged after about five months from the date of incident. Further the applicant is in

jail since about two months and there is likelihood of delay in investigation and trial, hence for this reason, 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