

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6020 of 2021

- Shiv Kumar Sahu S/o Pururam Sahu, Aged About 50 Years, R/o Village Marhikapa (wrongly mention in Madhikapa) Post-Kargikhurd, Polish Station-Kota, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Police Station - Kota, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Hemant Kesharwani, Advocate.

For Non-applicant/State – Shri Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28-07-2021 in connection with Crime No.502/2021 registered at P.S. - Kota, District - Bilaspur, Chhattisgarh for the offence under Section 354 of the IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 28-07-2021. The false FIR has been lodged against the applicant because of enmity by the complainant. Charge sheet has been filed and there is likelihood of delay in trial. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the victim in this case is very clear against this applicant regarding outraging her modesty, hence, no case is made out for grant of bail.

4. Complainant Gouribai Sahu is physically present before this Court on

notice. She has objection in grant of bail to the applicant. Counsel Shri Sanjay Yadav appearing with her also makes similar statement.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on the date of incident this applicant caught hold of the minor victim of age about 12 years and touched her inappropriately and thus outraged her modesty, regarding which the FIR has been lodged.

7. Considered on the submissions. For the reason that the case is now pending for trial after filing of charge sheet and no purpose would be served if the applicant is kept in continued detention till conclusion of the trial, therefore, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge