

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5992 of 2021**

Mukesh Sen S/o Premlal Sen Aged About 29 Years R/o Village Limora
Police Station Balod, Tehsil And District Balod Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through SHO Police Station Balod, District Balod
Chhattisgarh.

---- Respondent

For the Applicant : Shri Amit Xalxo, Advocate.
For the Respondent/State : Smt. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.09.2021**

Heard.

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.227 of 2019, registered at Police Station – Balod, District – Balod, Chhattisgarh for the offence punishable under Sections 363, 365 and 354 of the Indian Penal Code and Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 30.5.2019 and has been falsely implicated in this case. The case against the applicant has not made any progress after filing of charge-sheet. He is in jail since more than 2 years and the trial against the applicant has not made any progress. Hence, it is prayed that the applicant be enlarged

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 evidence present against the applicant. Hence, he is not entitled for grant of regular bail.

4. The victim is present before this virtual Court through the Help-Desk of the DLSA, Balod. She made a statement that she has objection in grant of bail to the applicant.

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

6. According to the prosecution case, the minor prosecutrix aged about 17 years was abducted by this applicant, took her forcibly on motorcycle and on the way, by using physical force, he also outraged her modesty. Hence, this case.

7. Considered the submissions and the facts present in this case. Considering the fact that the applicant is in jail since more than two years and the trial against him is still not concluded, I feel inclined to grant regular bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge