

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6115 of 2021

- Gulab Ratre S/o Santram Ratre Aged About 19 Years R/o Village Parsadih, Thana Tumgaon, District - Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Tumgaon, District - Mahasamund Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.

For Non-applicant/State : Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 26.07.2021, in connection with Crime No.163/2021 registered at Police Station- Tumgaon, District- Mahasamund, C.G. for offence punishable under Section 354 and 342 of I.P.C. and Section 08 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 26.07.2021. Charge-sheet has been filed. False F.I.R. has been lodged because of previous enmity. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that there is one previous antecedent against this applicant,

in which he is being prosecuted for commission of offence under Section 376 of I.P.C. and Section 6 of POCSO Act. Therefore, he is not entitled for grant of bail.

4. In reply, it is submitted by learned counsel for the applicant that the other prosecution against the applicant is present before the Juvenile Court and the applicant was at liberty when he was arrested in this case.
5. Notice was issued to the complainant which has returned served but there is no appearance and no representation from complainant's side.
6. Heard learned counsel for the parties and perused the case diary.
7. According to prosecution case, on the date of incident, this applicant called the minor victim inside his house and after closing the door, he caught hold of her hand and fist and thus outraged her modesty. Hence, this case.
8. Considered on the submissions. Looking to the nature of the case and also that the charge-sheet is filed and the case is now pending for trial, therefore, I feel inclined to allow this application.
9. 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.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge