

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6034 of 2021**

- Aakash Chouhan, S/o Suresh Chouhan, aged about 20 years, R/o Ekta Nagar, CSEB Colony, Raigarh, Police Station Kotwali, Raigarh, Tahsil & District Raigarh (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh, through Station House Officer, Police Station-City Kotwali, Raigarh District-Raigarh (CG).

....Non-applicant

For Applicant	:	Mr. Ashish Gupta, Advocate.
For Non-applicant	:	Mr. G.I. Sharan, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****27.10.2021**

1. This is first application under Section 439 of CrPC for grant of regular bail to applicant who is in custody since 21.6.2021 in connection with Crime No.797/21 registered at Police Station City Kotwali, Raigarh, District Raigarh (CG) for commission of offence under Sections 452, 354, 506 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of prosecution, in brief, is that the victim lodged written report in concerned police station mentioning that on 20.6.2021 applicant came to the house of prosecutrix, gave threat to her brother saying that if prosecutrix will not stop operating her instagram account, he will abduct her. For the last more than two years prior to date of incident, applicant is harassing victim by his obscene acts. Based on aforementioned report, crime in question is registered against applicant and he was arrested by police on 21.6.2021.

3. Mr. Ashish Gupta, learned counsel for applicant submits that applicant has been falsely implicated in crime in question. There is no allegation that applicant at any point of time committed any physical act or touched or caught hold of her. In fact, on the date of incident there was quarrel between applicant and brother of victim due to which false allegations have been levelled against applicant. Applicant is young boy aged about 24 years and he is in jail since 21.6.2021, hence, he may be released on regular bail.
4. On the other hand, Mr. G.I. Sharan, learned Government Advocate for the State opposes the submissions made by learned counsel for applicant and submits that looking to contents of complaint that applicant was creating problems by his obscene acts for the last two years from the date of incident and on the date of incident i.e. 20.6.2021, he came to the house of victim and gave threats. Hence, applicant is not entitled for benefit of regular bail. In support of his contention, learned State Counsel read over contents of statement of victim recorded under Section 164 of CrPC.
5. On 14.9.2021 the victim appeared before this Court virtually and stated that she is having objection in grant of bail to applicant.
6. I have heard learned counsel for parties.
7. Taking into consideration nature of allegations, fact that there is no allegation that applicant has touched or caught hold of

victim at any point of time; age of applicant to be 20 years, he is in jail since 21.6.2021, without commenting anything on merits of case, I am inclined to release applicant on regular bail.

8. Accordingly, the application is allowed and 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 satisfaction of trial Court concerned on the conditions that;

- he shall appear before trial Court concerned regularly on each & every date unless exempted from appearance.
- he shall not, in any manner, tamper with the prosecution witnesses.
- if applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/