

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6113 of 2021**

- Raj Kumar Kol S/o Sudama Aged About 22 Years R/o - Village Belbahra, Kolpara, Thana Manendragarh, District Korea Chhattisgarh.

**---- Applicant****Versus**

- The State Of Chhattisgarh Through Police Station Manendragarh, District - Korea Chhattisgarh.

**---- Respondent**


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For Applicant : Mr. Hemant Kumar Agrawal, Advocate.

For State/respondent : Mr. Alok Nigam, Govt. Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****16/09/2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.31/2020 registered at Police-Station-Manendragarh, District-Korea, Chhattisgarh for the offence punishable under Sections 354, 354(A), 366(A), 323 of IPC and Sections 10 of POCSO Act, 2012(in the impugned bail order u/s 354, 354(A), 366(A), 323 of IPC and Section 8 of the POCSO Act, 2012 mentioned two times).
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 08.02.2020. The trial has commenced after filing of charge-sheet, in which, only a few witnesses have been examined so far out of total 28 witnesses. The FIR was lodged against unknown person. The victim in

this case has been examined in the Court and she has admitted in her cross-examination that the person, who outraged her modesty has his face covered with cloth and she has identified of the applicant on the basis of the information given by police. Therefore, the identification of the applicant is doubtful and looking to the delay in trial, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the victim in this case and other witnesses of incident, who have been examined are not hostile witnesses, therefore, there is no case present for grant of bail to the applicant.
4. The complainant is virtually present before this Court through the 'Help Desk' of DLSA Koriya on notice. She has stated that she has objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that on the date of incident, this applicant dragged the minor victim of age about 6 years and took her to a lonely place in the fields when he disrobed her and touched her private part. Subsequent to which, he also thrashed the minor victim. The minor victim somehow made her escape and thereafter, FIR has been lodged.
7. Considered on the submissions. As there is likelihood of delay in trial and there are number of other witnesses yet to be examined and also the applicant is in jail for about 1 ½ years, I feel inclined to allow the bail application of this applicant.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

**(Rajendra Chandra Singh Samant)**

Judge

Nisha