

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6267 of 2021**

- Heerwar Navrang S/o Late Ramadhin Navrang Aged About 60 Years R/o Bagbudwapara, Murtipara, Chowki - Junapara, Police Station Takhatpur, District Bilaspur Chhattisgarh.

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

- State Of Chhattisgarh Through Station House Officer Police Station Takhatpur, Civil And Revenue District Bilaspur Chhattisgarh.

---- Respondent

 For Applicant : Shri BL Sahu, Advocate
 For respondent/State : Ku. Akshara Amit, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****11.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 27.7.2021 in connection with Crime No.310/2021 registered at Police Station Takhatpur, Distt. Bilaspur (C.G.), for the offence punishable under Sections 354 & 354B of the Indian Penal Code, 1860 (for short 'IPC') and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. Brief facts of the case are that on 27.7.2021 victim/prosecutrix had taken her buffalo for grazing in the field, there the applicant met with her, pressed her chest and pulled her undergarments with intention to molest her modesty. Based on

these facts, present crime was registered against the applicant. After investigation, charge sheet under Sections 354 & 354B of the IPC and Section 8 of the POCSO Act has been filed against the applicant.

3. Learned counsel for the applicant submits that the applicant has not committed the alleged crime, he is 60 year old person and the victim/girl is below the age of 08 years. Therefore, it cannot be assumed that such crime would have been committed by aforesaid aged person. Actual facts of the case is that when the buffalo of victim/prosecutrix were grazing in the paddy field of the applicant, he raised objection and also scolded the victim/prosecutrix, due to which the victim/prosecutrix and her mother lodged false FIR against the applicant. He further submits that the applicant is in jail since 27.7.2021, charge sheet has already been filed and there is no chance of influencing the witnesses by the applicant, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. The victim/prosecutrix appeared in person along with her mother & father before this Court on 20.10.2021. Father and mother of the victim/prosecutrix submitted that bail should not be granted to the applicant and his bail application should be rejected.

6. I have heard learned counsel for both parties, perused the case diary and the material available on record.

7. Considering the facts and circumstances of the case, nature and gravity of offence, detention period of the applicant and also taking into consideration that charge sheet has already been filed and there is no chance of tampering the evidence by the applicant, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE