

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6427 of 2021

- Rajkumar, S/o Shri Tulsai, Aged About 24 Years, Caste - Rajwar, R/o.- Village - Girwarganj, Police Station and Tehsil - Surajpur, District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through, Station House Officer Surajpur, District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Rishi Sahu, Advocate.
For State/respondent	: Mr. Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/10/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of applicant for grant of regular bail to him as he is in custody in connection with Crime No.334/2021 registered at Police Station Surajpur, District Surajpur (CG) for the offence punishable under Sections 354, 354(B), 376, 511 of IPC and Sections 6, 8 & 18 of POCSO Act, 2012.
2. It is submitted by the learned counsel for applicant, that applicant has been falsely implicated in this case. He is in jail from 26.07.2021. FIR lodged against this applicant is totally false. The dispute that was present between the applicant and the complainant side was different

regarding which complaint was lodged in police station Surajpur because of which false FIR has been lodged against this applicant. The trial against this applicant is likely to take some time, therefore, 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 age of victim had been only 15 years, there is clear evidence present that she was molested and her modesty was outraged by this applicant, hence, application be rejected.
4. The prosecutrix had appeared before this Court through virtual mode from the 'Help Desk' of the DLSA Surajpur on 28.09.2021. She had 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 minor victim was present in field grazing herd of goats, this applicant came on spot, caught hold of her, touched her inappropriately and by putting her down attempted to commit rape upon her. On alarm being raised by victim, applicant ran away from the spot. Hence this case.
7. Considered on the submissions. Taking into consideration the facts and circumstances of this case and also grounds raised by applicant, I feel inclined to allow bail application of this applicant.
8. Accordingly, 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