

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7152 of 2021**

Hira Sinha, aged about 22 years, S/o Ghasiya Ram Sinha, R/o Village Bhanpuri Chaoki- Halba, Thana Narharpur, District Kanker (C.G.)

---- Applicant**Versus**

The State of Chhattisgarh, Through District Magistrate, Distt. U.B. Kanker (C.G.)

----Non-applicant

For Applicant	:	Mr. Parag Kotecha, Advocate.
For Non-applicant	:	Mr. Sameer Uraon, Govt. Advocate

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****08-11-2021**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 83/21 registered at Police Station Narharpur, Police Chowki, Halba, Distt. U.B. Kanker for the offence punishable under Sections 294, 506, 354, 354(D) of Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (henceforth "Pocso Act").

(2) Case of the prosecution, in brief, is that on 19.7.2021 at about 2.30 pm when victim/prosecutrix, who is minor girl, was coming back from her school to her home, the applicant stopped her and saying that 'he loves her & wants to marry with her', caught hold of her hands and sexually assaulted upon her to outrage her modesty and

when she objected to this wrong act of the applicant, then he abused her in filthy language and threatened to kill her. On being report by victim/prosecutrix, present FIR was registered against the applicant. As per case diary, after completion of investigation, charge sheet under Sections 294, 506, 354, 354 (घ) and 341 of Indian Penal Code, Section 12 of the Pocso Act and Section 3(1)(ब), 3(2)(V-क) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC/ST Act") has been filed against the applicant, which is pending before the court below.

(3) Learned counsel for the applicant would submit that applicant, who is boy of 22 year of age, has been falsely implicated in the crime in question as he has not committed the alleged crime. He would further submit that earlier the offences under the SC/ST Act was not registered against him but during the course of filing of the charge-sheet, such offences have been arrayed against the applicant. He would next submit that applicant has no previous criminal antecedents; he is in detention since 20.7.2021; charge-sheet has already been filed, hence, there is no chance to influence the prosecution witnesses, therefore, the applicant is entitled to be released on bail.

(4) Per contra, counsel for the State opposes the submission made by counsel for the applicant stating that victim/prosecutrix is girl of 14 years of age and there is eye-witness of the case; charge-sheet has been filed and the trial is going on, therefore, bail application filed by the applicant is liable to be dismissed.

(5) Considered the submissions made by counsel for the parties and perused the case diary.

(6) Looking to facts & circumstances of the case, nature & gravity of the offence, there is no previous criminal antecedents of the applicant, as stated by counsel for the applicant; detention period of the applicant and considering the totality of the facts, I feel inclined to allow the bail application filed by the applicant. Accordingly, the bail application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Certified copy, as per rules.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

