

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6899 of 2021**

Jitendra Kanwar, S/o Manna Lal Kanwar, Aged About 20 Years, Caste Kanwar, R/o Village Rajauli, Police Station Sonhat, District Korea, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through P. S. Sonhat, District Korea, Chhattisgarh.

---- Non-applicant

 For Applicant : Mr. Sangeet Kumar Kushwaha, Advocate
 For Non-applicant/State : Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****26.11.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 21.07.2021 in connection with Crime No.120 of 2021 registered at Police Station Sonhat, District Korea (C.G.) for commission of offence punishable under Sections 457, 354 of IPC and Section 8 of the Protection of Children from Sexual Offences, Act, 2012.
2. Case of the prosecution, in brief, is that on 21.07.2021, at about 12.30 AM (midnight), applicant entered into the house of prosecutrix through window and caught her hand while she was sleeping, upon which, she woke up and screamed. Upon listening scream, family members of prosecutrix rushed to her room,

caught hold of the applicant and report was lodged thereafter. Based upon report, crime was registered against the applicant.

3. Mr. Sangeet Kumar Kushwaha, learned counsel for the applicant would submit that applicant's family and prosecutrix's family are known to each other. Applicant has not committed any offence as alleged against him. Applicant is boy of tender age. There is no criminal antecedent registered against him and he is in jail since 21.07.2021, hence, he may be enlarged on regular bail.
4. Ms. Hamida Siddiqui, learned Dy. A.G. opposing the submissions made by learned counsel for the applicant, would submit that applicant entered into the house of prosecutrix in the midnight and tried to outrage her modesty. On the date of incident, age of prosecutrix was only 15 years and applicant was caught by parents of prosecutrix at the place of incident, hence, applicant is not entitled for the benefit under Section 439 of Cr.P.C.
5. Prosecutrix and her father appeared on 20.10.2021 and they have raised objection in grant of bail to the applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, age of applicant, period of pretrial detention and charge-sheet has been filed, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal

bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) He shall not, in any manner, tamper with the prosecution witnesses.
- c) If the 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