

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7139 of 2021**

- Aman Sarthi S/o Laxminarayan Sarthi, aged about 22 years, R/o village Chandni Chowk, Raigarh, Thana- Kotwali, Raigarh, District Raigarh (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh, through Police Station- Kotwali, Raigarh, District Raigarh (CG)

....Non-applicant

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Non-applicant	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****18.11.2021**

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 26.8.2021 in connection with Crime No.1209/21 registered at Police Station Kotwali, Raigarh District Raigarh (CG) for commission of offence punishable under Section 354(B), 509 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 17.8.2021 at about 5:30 p.m. applicant took minor victim girl inside his room and shown his genital organ to her. Victim girl disclosed the incident to her grandmother, who lodged report in concerned police station on 26.8.2021 based on which FIR is registered against applicant and he was arrested.
3. Mr. Sanjay Agrawal, learned counsel for applicant would submit that applicant is neighbourer of complainant and due to old enmity, he has been falsely implicated in crime in question. He submits that punishment prescribed under Section 354(B) of the IPC is upto three years. Applicant is in jail since 26.8.2021, hence he may be enlarged on regular bail.
4. Per contra, Mr. Vinod Tekam,, learned State Counsel opposes the submissions made by learned counsel for applicant and submits that victim girl is only six years old; she narrated the incident to her grandmother immediately after returning back

home. Allegations are serious in nature, hence applicant is not entitled for grant of regular bail.

5. Despite service of notice upon victim/complainant, neither victim girl/ complainant nor her authorized representative is present before this Court.
6. I have heard learned counsel for parties.
7. Taking into consideration facts and circumstances of case, nature of allegation, period of detention of applicant and further considering that no other offence is registered against applicant, as stated by learned State Counsel after going through case diary, without commenting anything on merits of case, I am inclined to allow this bail application.
8. Accordingly, application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of 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 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

roshan/-