

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7867 of 2021**

Sonu @ Sanand (wrongly mentioned as Sananand in the order sheet) Chandrakar, S/o Manharan, Aged About 22 Years, R/o Village - Dudhiya, Out Post- Dashrangpur, Police Station - Pipariya, District - Kabirdham (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Out Post - Dashrangpur, Police Station - Pipariya, District - Kabirdham (Chhattisgarh).

---- Non-applicant

For Applicant : Shri Tarun Dansena, Advocate

For Non-applicant/State : Shri Vinod Tekam, Panel Lawyer

Prosecutrix is present along with her father through virtual mode from District Legal Services Authority, Kabirdham.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**23.11.2021**

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 03.09.2021 in connection with Crime No.275 of 2021 registered at Out Post Dashrangpur, Police Station Pipariya, District Kabirdham (C.G.) for commission of offence punishable under Sections 354A, 354D, 34 of Indian Penal Code and Section 12 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that, a written report was lodged by prosecutrix on 27.09.2021 making allegation that since last two months, applicant along with two other co-accused

persons, by name, Jaykaran Chandrakar and Vishnu Chandrakar were stalking her with an intent to disrobe and making obscene comments and gestures, thereby sexually harassing her. Based upon the written report, aforementioned crime was registered against the applicant and two other co-accused persons.

3. Shri Tarun Dansena, learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him. There is no allegation of any physical assault, but for making obscene comments and singing obscene songs. On similar allegation, two other accused persons have been enlarged on bail by learned Court below. Applicant is in jail since 03.09.2021 and age of prosecutrix/complainant is above 17 years, hence, he may be enlarged on regular bail.
4. Per contra, Shri Vinod Tekam, learned State Counsel opposing the submissions made by learned counsel for the applicant, would submit that applicant along with two other co-accused continuously sexually harassed prosecutrix with an intent to disrobe, hence, he is not entitled for the benefit under Section 439 of Cr.P.C.
5. Prosecutrix is present along with her father through virtual mode from District Legal Services Authority, Kabirdham. She submits that she is not having 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, applicant is in jail since 03.09.2021 and trial

may take some time, 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