

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7907 of 2021**

- Karan Kumar Sahu, aged about 20 Years, S/o Naresh Kumar Sahu, aged about 43 Years, R/o Village Shivpuri, Ward No. 16, Near Sai Temple, Jamul, District Durg (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station Jamul, District Durg Chhattisgarh.

----Non-applicant

For Applicant	Shri Rahil Arun Kochar, Advocate.
For State	Shri C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

29/11/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.424/2021 registered at Police Station Jamul, District Durg, C.G. for the offence punishable under Sections 294, 323, 354(B) of Indian Penal Code and Section 8 of POCSO Act.
2. Allegation against the present applicant is that on 20.09.2021 at about 5:00 pm while the prosecutrix, aged about 12 years, was going alone for seeing Ganesh Visharjan, the applicant with an intent to outrage her modesty, caught hold of her hands and used criminal force against her. When she raised cries, her brother came to her rescue who was beaten by the applicant, as a result of which he sustained injuries on his body. On report being lodged to the above effect, the aforesaid offence have been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not committed any offence nor is involved in commission of any offence as alleged against him. He is in custody since 21.09.2021, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedent.
5. On 22.11.2021, prosecutrix along with her mother had appeared before this Court and raised no objection to release of the applicant on bail.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the fact that the prosecutrix has raised no objection to release of the applicant on bail, charge sheet has been filed, the detention period of the applicant, who is 20 years old, the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the

following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh