

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7912 of 2021**

- Bharat Harchandani, S/o Late Kishor Har Chandani, aged 29 years, R/o Sakin E-2/36, Sector-7, beside Dr. Advani's House, P.S. New Rajendra Nagar, Raipur, Dist. Raipur (CG)

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

- State of Chhattisgarh, through Station House Officer, P.S. New Rajendra Nagar, Dist. Raipur (CG)

....Non-applicant

For Applicant	:	Mr. Devershi Thakur, Advocate
For Non-applicant	:	Ms. M. Asha, Panel Lawyer
For Complainant	:	Mr. Dharmesh Shrivastava, Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****22.11.2021**

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 14.8.2021 in connection with Crime No.172/21 registered at Police Station New Rajendra Nagar, Raipur (CG) for commission of offence punishable under Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that complainant along with her children is residing separately from applicant, who is her brother-in-law. Written report was lodged by complainant on 12.8.2021 making allegations that applicant touched private part of her elder son aged about 12 years and wrapped private part of her younger son aged about 03 years with tape. Based on written report, crime in question is registered against applicant and he was arrested on 14.8.2021.
3. Mr. Devershi Thakur, learned counsel for applicant would submit that due to property dispute between complainant and her husband (brother of applicant), both have lodged report against each other. In four complaints police had drawn proceedings under Section 155 of CrPC. Allegations against applicant are levelled only to pressurize his brother. Applicant is in jail since 14.8.2021, hence he may be granted regular bail.

4. Per contra, Ms. M. Asha, learned State Counsel and Mr. Dharmesh Shrivastava, Advocate for complainant oppose the submissions made by learned counsel for applicant and submit that there are allegations of sexual harassment against applicant. Learned State Counsel read out statement of elder son of complainant to support her contention that applicant is involved in commission of offence in question. They submit that applicant is not entitled for benefit of regular bail.
5. I have heard learned counsel for parties.
6. Taking into consideration facts and circumstances of case, submission of learned counsel for the applicant; period of detention of applicant i.e. from 14.8.2021, without commenting anything on merits of case, I am inclined to allow this bail application.
7. 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/-