

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8401 of 2020

- Zia Haq Qureshi, S/o Abdul Qureshi, Aged About 41 Years, R/o Near Panchayat Bhawan, Village Tetar Kutti Tahsil-Jagdalpur, District-Bastar, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- The Police-Station Bodhghat District Bastar, Chhattisgarh

---- Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate.
For Respondent/State	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

08/01/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.187/2020 registered at Police-Station-Bodhghat, Distirct-Bastar(C.G.) for the offence punishable under Sections 324, 341, 354 of IPC and Section 8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The fact is this, that the wife of the applicant has lodged one FIR against father of the minor victim alleging the commission of offence under Section 376 of IPC. The father of the victim has made use of the minor victim to lodge false

FIR against the applicant making false allegation regarding the commission of offence about outrage modesty etc. The copy of the FIR lodged against the father of the victim and the copy of the complaint given by applicant to the police dated 15.6.2020, is also filed whereas the FIR lodged in this case is dated 17.6.2020, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant has a criminal history there are two previous cases registered against him. Further, the statement of witnesses very clearly show that the applicant has committed the offences that are registered against him, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that on 14.6.2020 at about 7 pm the minor victim was on her way home when the applicant caught hold of her, tried to kiss her and also fondled her. Thus, he has outraged her modesty regarding which FIR has been lodged.
6. Considered on the submissions and the facts of the present case, it appears that the fact that there are one FIR lodged about father of the complainant about wife of this applicant and also one complaint was given by him before the lodging of FIR to the police regarding the possibility of his false implication, hence, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in

the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha