

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8492 of 2020**

Abhinay Sahu @ Monu S/o Pokhraj Sahu, Aged About 22 Years R/o Village Goji, Police Station And Tahsil Kurud, District Dhamtari Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - Station House Officer, Outpost Birejhar, Police Station Kurud, District - Dhamtari Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.

For the Respondent/State : Shri B.P. Banjare, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.01.2021**

Heard.

1. Shri Rahul Agarwal, Advocate has also appeared as counsel for the applicant and filed an application for his engagement which needs no further mention.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.55 of 2020, registered at Outpost Birejhar, Police Station – Kurud, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 454, 354 and 506 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicant submits that the applicant is in jail

since 26.10.2020 and has been falsely implicated in this case because of enmity. After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear allegation present against the applicant regarding the commission of offence. Hence, no case is made out for grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The prosecution case is that on the date of incident this applicant committed house trespass in the house of the minor prosecutrix then by putting her under threat and by use of physical force, he outraged her modesty.

7. Considered the submissions and the facts of the case. As the charge-sheet has been filed after completion of investigation and no purpose would be served if the applicant was kept in detention for the whole period of trial, therefore, I am of the view that this applicant should be granted regular bail during the pendency of the trial.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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 the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge