

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8381 of 2020

Harmangal, S/o Maha Singh, Aged About 24 Years, Caste- Gond, R/o
Village- Mogra, P.S.- Kotadol, District- Koriya (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through- Police Station- Kotadol, District- Koriya
(C.G.)

--- Respondent

For Applicant : Mr. Pushkar Sinha, Advocate.

For State/ Respondent : Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27/01/2021

1. Learned State counsel submits that the case diary is not available.
2. This is third date of listing of this case, when case diary is not available, therefore, no further opportunity shall be given to the State counsel for calling the case diary.
3. 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. 28/2020, registered at Police Station- Kotadol, District- Koriya (C.G.) for the offence punishable under Section 341, 354, 34 of IPC and Section 8 of Protection of Children from Sexual

Offences Act, 2012.

4. Learned counsel for the applicant submits that the applicant is in jail since 09.10.2020 and has been falsely implicated in this case. He has not committed any offence. The charge-sheet has been filed after completion of investigation. No case is made out against the applicant, hence, it is prayed that this applicant may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail application submitting that no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
6. Heard counsel for both the parties and perused the records.
7. As per case of the prosecution, it is alleged that the applicant, by use of physical force, outraged modesty of the minor victim and also obstructed her path committing wrongful restraint, regarding which, FIR has been lodged against the applicant.
8. Considered on the submissions and the facts present in this case. The charge-sheet has been filed after completion of investigation and there is no specific reason available for continued detention of the applicant. For these reasons, I am of this view that it would be proper to release the applicant on bail, hence, I feel inclined to grant bail to the applicant in this case.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. It is directed that the 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun