

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8378 of 2020**

Dhaneshwar Kumar Nishad S/o Bhagwaniram Nishad Aged About 20 Years
R/o Village-Khadi, P.S. Sahlewara, Tahsil-Chhuikhadan, District-
Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, P.S.- Chhuikhadan,
District Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Abhishek Sharma, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.01.2021**

Heard.

1. 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.263 of 2020, registered at Police Station – Chhuikhadan, District – Rajnandgaon, Chhattisgarh for the offence punishable under Section 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.11.2020 and has been falsely implicated in this case. False FIR has been lodged against the applicant only on account of enmity with the complainant's side. After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the victim has made clear allegation against the applicant. Hence, no case is made out for grant of bail to the applicant.

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

5. According to the prosecution case, on the date of incident the minor victim aged about 14 years was returning home after taking bath in the canal then this applicant caught hold of her and forcibly kissed her regarding which, FIR has been lodged.

6. Considered the submissions and the facts of the case. Presently, the charge-sheet has been filed before the Court and the case is pending for trial. There is no requirement for detention during the pendency of trial against the applicant, therefore, I feel inclined to grant bail to the applicant in this case.

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

8. 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

Nimmi