

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8772 of 2020

- Neelam Mishra W/o Late Balmukund Mishra Aged About 41 Years R/o J. M. Q. Quarter No. 03 Vishrampur, P. S. Vishrampur, District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Surajpur, District Surajpur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shakti Raj Sinha, Advocate.

For Non-applicant/State : Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 02.11.2020, in connection with Crime No.448/2020 registered at Police Station-- Surajpur District- Surajpur, C.G. for offence punishable under Sections 354, 354(m) and 109 of I.P.C. and Sections 8 and 17 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 02.11.2020. Charge-sheet has been filed. The victim in this case is the daughter of this applicant, who has some complaint with this applicant, therefore, this false F.I.R. has been lodged. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that there is direct statement of the victim against this

applicant regarding her participation in the commission of offence by the co-accused person, therefore, she is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that the co-accused used to outrage the modesty of the minor victim on the instigation given by this applicant regarding which F.I.R. has been lodged. Hence, this case.
6. Considered on the submissions that the investigation in this case is complete and the case is pending for trial and also there is no specific reason to keep the applicant in continued detention in jail till the conclusion of trial, therefore, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with two local surety each in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge