

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8566 of 2020**

Kanhai Yadav @ Kanahi Yadav S/o Chamar Singh Yadav, Aged About 23 Years R/o Kunjedhabhari, Chowki- Jutemill, P/s. Kotwali, Tahsil And District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O. Of The Police Station Chowki- Jutemill, P/s. Kotwali, Tahsil And District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Abhishek Saraf, Advocate.
For the Respondent/State : Shri Chitendra Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.01.2021**

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.653 of 2020, registered at Police Chowki Jutemill, Police Station – Kotwali, Tahsil and District – Raigarh, Chhattisgarh for the offence punishable under Sections 354, 354(A), 456 and 323 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 12.09.2020 and has been falsely implicated in this case. 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.
4. Heard counsel for both the parties and perused the case diary.
5. The prosecution case is that on the date of incident the applicant committed lurking house trespass in the house of the prosecutrix and then by use of physical force he outraged her modesty.
6. Considered the submissions and the facts present in this case. As the investigation is now complete and the case is pending for trial and also there is no requirement to keep the applicant in custody for the purposes of investigation, therefore, I feel inclined to grant regular bail to the applicant.
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