

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8920 of 2020**

Mahadev Sharma S/o Munnilal Sharma, Aged About 51 Years R/o Gada Chowk, Laxmi Nagar, Supela, Police Station Supela, Bhilai, Tahsil And District Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Supela District Durg Chhattisgarh.

---- Respondent

For the Applicant : Shri Rajeev Shrivastava, Advocate.
For the Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.02.2021**

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.674 of 2020, registered at Police Station – Supela, District – Durg, Chhattisgarh for the offence punishable under Sections 354 and 323, 34 of the Indian Penal Code and Sections 10, 11(6), 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 9.10.2020 and has been falsely implicated in this case on account of previous enmity. The applicant has not committed any offence. 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 age of the victim is only 5 years and she has made categorical statement under Section 161 of the Cr.P.C. against the applicant, therefore, 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. The prosecution case is that on the date of incident this applicant pulled down the underwear of the minor victim of age 5 years and was caressing her private parts which was discovered by the witnesses and then, the FIR has been lodged.

6. Considered the submissions and the facts present in this case. As it appears that the charge-sheet has been filed and the applicant is in jail since about four months, therefore, I do not find any reason to keep him in continuous detention for the whole period of trial. Hence, this application is allowed.

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