

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8898 of 2020

- Mani Ram Yadav S/o Shri Jagatram Yadav Aged About 33 Years
Occupation- Agriculturist/laborer, R/o Village- Paraskol (Wrongly
Mentioned As Parasahkol), Tahsil And P.S.- Kharsia, District- Raigarh,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. Of The Police Station And
Tahsil- Kharsia, District- Raigarh, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Abhishek Saraf, Advocate.

For Non-applicant/State : Mr. B.P. Banjare, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-03-2021

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 08.11.2020, in connection with Crime No.472/2020 registered at Police Station-- Kharsia, District- Raigarh, C.G. for offence punishable under Sections 354, 354(B) of the I.P.C. and Sections 08 and 12 of the 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. No case is made out against this applicant and the false F.I.R. has been registered due to the enmity from the complainant side with the applicant. The applicant is in jail since 08.11.2020. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that there is direct statement of the minor victim against the applicant. Hence, it is prayed that this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, this applicant by use of physical force outraged the modesty of the minor victim of age about 10 years and also made a display of his private part and tried to disrobe the minor victim, then she fled from the spot. Hence, this case.
6. Considered on the submissions and the facts of the case, the applicant is in jail since about 03 months and I do not find any specific reason to keep the applicant in continuous detention 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 his 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 his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge