

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8506 of 2021**

Mukesh Bhaina @ Nanhu S/o Shri Shiv Mangal Singh Bhaina Aged About 23 Years (Wrongly Mention In Impugned Order Shimangal) R/o Village Kohgar, Police Station Pendra, District : Gaurela-Pendra-Marwahi, Chhattisgarh
--- Applicant

Versus

State of Chhattisgarh through Police Station Pendra, District : Gaurela-Pendra-Marwahi, Chhattisgarh
--- Respondent

For the applicant	:	Mr. Dhreendra Pandey, Advocate.
For the State	:	Ms. Asha, Panel Lawyer.
For the objector	:	Mr. Somnath Verma, Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order on Board

16.12.2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.236 of 2021, registered at Police Station Pendra, District Gaurela Pendra, Marwahi (C.G) for the offences punishable under Sections 452, 354 (A)(1)(i) IPC and Section 8 of the POCSO Act.
2. As per the prosecution case, the applicant entered into the house of the victim while her mother and others went to bath room for urination and he slept in the cot beside the victim and used criminal force with an intent to outrage her modesty, thereby offence has been committed.
3. Learned counsel for the applicant submits that the age of the prosecutrix would be more than 16 years and the nature of allegations would show that he has only slept on the cot while she was sleeping and did not outrage the modesty of the girl. He further submits that the charge sheet has been

filed; no further investigation is necessary and the applicant is in jail since 25.09.2021, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel as also the learned counsel for the objector oppose the bail application.
 5. Considering the nature of allegations and the fact that the charge sheet has been filed and the applicant is in jail since 25.09.2021, I am inclined to allow this bail application.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**