

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9355 of 2020

- Dharmraj Patel S/o Ramavatar Patel, Aged About 45 Years, R/o Village Ward No. 2 Pipariya, P.S. and Tehsil- Khairagarh, Dist.- Rajnandgaon, C.G., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through District Magistrate Rajnandgaon, District- Rajnandgaon C.G., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Rakesh Pandey, Advocate.

For State/Non-applicant – Shri Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 22-11-2020 in connection with Crime No.461/2020 registered at Police Station – Khairagarh, District - Rajnandgaon, Chhattisgarh for the offence under Section 354, 354(A), 456 of the IPC and Section 7 and 8 of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The applicant is in jail since 22-11-2020. The charge sheet has been filed. Therefore, it is prayed that this applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the statement of the complainant and the witnesses, this applicant had earlier also harassed the victim and outraged her modesty, therefore, he appears to be a habitual offender. Hence, his application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant committed trespass in the house of the minor victim of age about 15 years and 11 months and then with intention to outrage her modesty he used physical

force on her person. When the prosecutrix raised alarm this applicant fled from the spot.

6. Considered on the submissions. As the applicant is in jail since about four months, charge sheet has been filed and there appears to be no reason to keep him in continuous detention till conclusion of the trial, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant 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 one surety 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