

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9272 of 2020**

Tameshwar Sahu @ Tamu S/o Ishwari Sahu Aged About 25 Years R/o Village- Kanketara, Outpost Chikhli, Police Station Kotwali, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kotwali District - Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Abhishek Sharma, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.03.2021**

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.512 of 2020, registered at Police Station – Kotwali, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 354 and 342 of the Indian Penal Code and Sections 10, 11 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 15.10.2020 and has been falsely implicated in this case. The victim and her father both have been examined in the trial, therefore, there is a new

development. 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 statement given by the victim under Sections 161 and 164 of the Cr.P.C. is very clear and categoric against this applicant. Further, the father of the victim has admitted in cross-examination by the prosecutor regarding the allegation against this applicant. Hence, 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 case of the prosecution case is that on the date of incident this applicant obstructed the path of the minor victim aged about 6 years and then by use of physical force he outraged her modesty by touching her body.

6. Considered the submissions and the documents present in this case. Perused the certified copy of the victim and her father, who have been declared hostile by the prosecution. Hence, looking to this development, 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

Nimmi