

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.9411 of 2020

- Manoj Kumar Patel S/o Gopal Prasad Patel, Aged About 24 Years R/o Village Pelma P.S. Tamnar, District Raigarh, Civil And Revenue District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Officer-In-Charge Police Station Tamnar, District Raigarh Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Goutam Khetrapal with Mr. Ishan Verma, Advocates.
For Non-applicant/State	:	Ms. Smita Jha, Panel Lawyer.
For complainant	:	Mr. Manish Upadhyay, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-02-2021

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 07.12.2020, in connection with Crime No.352/2020 registered at Police Station-- Tamnar, District- Raigarh, C.G. for offence punishable under Sections 354 of I.P.C. and Section 8 of POCSO Act and Sections 3(1)(11), 3(2)(5a) of S.C./S.T. (Atrocities) Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case on account of enmity with the family of the victim. It is submitted that F.I.R. was lodged on 13.10.2020 and one statement under Section 161 Cr.P.C. of the victim was recorded on the same date. Further, the statement of victim under Section 164 of Cr.P.C. was recorded on 15.10.2020. There appears to be gradual development in the statement of prosecutrix. The applicant intends to challenge the age of the prosecutrix in trial, as the present case is not governed by the POCSO Act. Charge-sheet has been filed. The applicant has been granted temporary bail earlier and he has not

misused that liberty, therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the statement of the victim is clear and categorical against this applicant regarding commission of offence, therefore, this application may be rejected.
4. Learned counsel for the objector submits that there is evidence present in the investigation according to which prima facie case is present against this applicant, therefore, it is prayed that the application may be rejected.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, on the date of incident, the applicant came to the shop of the minor victim and after making a purchase of chewing gum, then by use of force caught hold of her hand, attempted to hug her and also kissed her. The victim then raised alarm after which the applicant fled from his place. The victim has lodged the written complaint. Hence, this case.
7. Considered on the submissions, as it appears that the investigation in this case is complete and there appears to be no specific reason to keep the applicant in continued detention for the whole trial. Therefore, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge