

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.9398 of 2020

- Rajkumar Banjare S/o Shri Heera Ram Aged About 57 Years R/o Village Kharga, Police Station- Takhatpur, District- Bilaspur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Takhatpur, District- Bilaspur (C.G.)

---- Non-applicant

For Applicant : Mr. Akhtar Hussain, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-01-2021

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 28.11.2020, in connection with Crime No.359/2020, registered at Police Station-- Takhatpur, District- Bilaspur, C.G. for offence punishable under Sections 354, 451 and 506 of I.P.C. and Section 8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case because of the enmity with the family of the complainant. The applicant is in jail since 28.11.2020. Charge-sheet has been filed after completion of investigation. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant is not entitled for grant of bail to the applicant.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, the applicant committed house trespass in the house of the prosecutrix and then by

use of physical force, he outraged her modesty by touching her body in objectionable manner. Hence, this case.

6. Considered on the submissions and that the case is now pending for trial before the trial Court and there is no specific reason to keep the applicant in detention continuously, 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 one 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