



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4894 of 2023

- Shani Mahant Urf Sagar Das S/o Raju Das Mahant Aged About 19 Years R/o Village Ratan Mahka, Chauki Kharsiya, Police Station Kharsiya, District : Raigarh, Chhattisgarh --- **Applicant.**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kharsiya, District : Raigarh, Chhattisgarh --- **Respondent.**

CAUSE TITLE TAKEN FROM CIS PERIPHERY

For Applicant : Mr. Ravi Kumar Banjare, Adv.
For Respondent/State : Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

12.07.2023

This application under Section 439 Cr.P.C. for grant of bail has been filed by the accused/applicant who is languishing in jail since 26.02.2023 in connection with Crime No.100/2023 registered at Police Station Kharsiya, Raigarh for the offence punishable under Section 376 (A) (B) of the IPC and Section 6 of the POCSO Act, 2012.

2 As per prosecution story, the accused/applicant has sexually assaulted to the minor prosecutrix who is aged 6 years.

3. Learned counsel for the applicant submits that the accused/applicant is innocent and he has been roped in a false case. He also submits that prosecutrix and her mother have been examined before the trial Court and they have not stated anything about the aforesaid allegation and not supported the case of the prosecution. Even during the hearing of bail application before the trial Court, prosecutrix and her mother did not raise any objection. He also submits that applicant is behind the bar since 26.02.2023 and conclusion of the trial is likely to take some more time therefore, the applicant may be released on bail. He also submits that the applicant



would abide all terms and conditions imposed on him while granting bail.

4. *Per contra*, learned State counsel opposes the prayer for bail.

5. Having considered the submission of learned counsel for the parties and considering the facts and circumstances of the case, further considering the statement of the prosecutrix and her mother as also considering the period of pretrial detention of the applicant, without commenting anything on merits, I deem it appropriate to release the applicant on bail.

6. Accordingly, the application is **allowed** and it is directed that on applicant's furnishing a personal bond in the sum of **Rs.25,000/-** with **one** surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail on the following conditions:-

- (a) he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- (b) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of case,
- (c) he shall not involve himself in any offence of similar nature in future.
- (d) the applicant and the sureties shall submit a copy of their Aadhar Card along with a coloured postcard full size photo having printed the Aadhar number on it, which shall be verified by the concerned trial Court.

Sd/-

(Deepak Kumar Tiwari)
Judge

Ajay