

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2981 of 2015**

- Durbal S/o Chaituram Aged About 20 years, Caste - Ghasi, Occupation - Student, Resident Of Village - Kedma, P.S. Udaypur, Revenue & Civil District - Surguja Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh: Through Police Chowki - Kedma, Police Station Udaypur, District - Surguja Chhattisgarh

---- Respondent

For Applicant: Shri Apporva Tripathi, Advocate.
For Respondent/State: Shri Suvigya Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****13/07/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 29/2015 registered at Police Station Police Chowki – Kedma, Police Station Udaypur, District-Surguja (C.G.) for the offences punishable under Sections 354A, 294, 506B, 323, 354, 324 & 456 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant entered into the house of the prosecutrix and not only outraged her modesty but also sexually and physically harassed her, by which, she suffered

greivous injuries and, thereby, committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that the applicant has falsely been implicated in the crime in question as he has not committed any offence. He further submits that the applicant is in jail since 14.05.2015 and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State submits that knife, which was used in the said offence, has been recovered from the possession of the applicant and, therefore, he is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; further considering the role of the present applicant in the crime in question; and the fact that applicant is in jail since 14.05.2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial..

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-