

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4048 of 2015**

- Mohd. Naeem Khan, S/o Late Haji Mohd. Aamin, aged about 60 years, R/o Kachaharipara, Baikunthpur, Civil & Revenue District Korea (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, P.S. Sonhat, District Korea (C.G.)

---- Non-applicant

For Applicant: Mr. Shakti Raj Sinha, Advocate.

For Non-applicant/State: Mrs. Anusuiya Rajput, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****26/08/2015**

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. 59/2015 registered at Police Station Sonhat, District Korea for the offences punishable under Sections 294, 506, 354, 354A, 354B & 452 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 8.6.2015 applicant outraged modesty of the complainant; and also sexually

assaulted her and abused & threatened her by entering into her house and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has not committed any offence as he has nothing to do with the same; and he is old aged person, aged about 60 years; and he is already suffering fracture in his leg. He further submits that applicant is in jail since 8.6.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that there are nine criminal cases pending against the applicant, for which, affidavit has been been by the applicant along with the documents stating that applicant has been acquitted in all the offences mentioned above except in Crime No. 07/2015 for offences punishable under Sections 294, 506 & 323/34 IPC, of which the trial is pending before the court below.

(5) On the other hand, counsel for the State opposes the bail application.

(6) Taking into consideration the facts & circumstances of the case; further considering the role of the present applicant in crime in question; and the facts that applicant is in custody from 8.6.2015; and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail.

Accordingly, the application is allowed.

(7) 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/-