

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 702 of 2016**

Umesh Shukla, S/o Shri Bajrang Shukla, aged about 29 years,
R/o Near Radha Krishna Mandir, Ward No.8, Tifra, Police
Station Sirgitti, Tahsil Bilaspur, Civil & Revenue District Bilaspur
(CG). **---- Applicant**

Versus

State of Chhattisgarh, through Officer Incharge Police Station
Sirgitti, Civil & Revenue District Bilaspur (CG).

---- Non-applicant

For Applicant : Shri B.P. Sharma and Shri Devesh G. Kela,
Advocate
For Non-applicant : Shri Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

23/02/2016**(1)** Heard.

(2) This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested on 11.01.2016 in connection with Crime No.18/2016, registered at Police Station Sirgitti, Civil & Revenue District Bilaspur, for the offence punishable under Sections 452 & 354 of the Indian Penal Code.

(3) Case of the prosecution, in brief, is that on 11.01.2016 applicant entered into the house of the complainant and outraged her modesty and thereby, committed the aforesaid offences.

(4) Learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the crime in question and he has not committed any offence, infact the husband of the complainant

has beaten the accused/applicant by which the applicant has suffered grievous injuries, which has been subjected to medical examination. He further submits that the applicant is in jail since 11.01.2016 and, therefore, the applicant may be released on bail.

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

(6) I have heard learned counsel appearing for the parties and perused the case diary.

(7) Taking into consideration the entire facts and circumstances of the case, nature and gravity of the offence, pretrial detention of the applicant and further considering the submission of the applicant, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(8) 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.

(9) Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-