

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4472 of 2017

- Khagendra Kumar Nirala S/o Mohar Say Nirala, Aged About 22 Years
R/o Krishana Nagar, Ward No. 23, S.E.C.L. Korba Tahsil & District
Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through State Of Chhattisgarh Through Police
Chauki Manikpur, Police Station Kotwali, District Korba Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vikas Pandey, Advocate.
For Respondent/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/11/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 345/2017, registered at Police Station- Kotwali, District – Korba(C.G.) for the offence punishable under Sections 354(A) and 354(B) of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is in jail since 23.5.2017 for the alleged offences. Applicant is innocent and has been falsely implicated in this case. Two FIRs has been lodged against him by his wife and sister-in-law because of enmity between them. The case is triable by the Judicial Magistrate First Class, hence, prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that applicant has committed the offences of outraging modesty of sister-in-law and also treated with cruelty of his wife, hence, for these reasons he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. As per the case against the applicant, complainant/victim came to reside in the house of her elder sister and the applicant(brother-in-law) use force on her and had physical contact with her to outrage her modesty. After lodging the FIR, case has been investigated and charge-sheet has been filed.
6. Considering the submissions made and the contents of the case diary and taking into consideration this fact that charge-sheet has been filed. The case is triable by the Judicial Magistrate First Class, it would not serve any purpose if the applicant is kept in jail for the entire period of trial and also looking to this fact that he is the local resident of the locality whose availability before the trial Court shall not be compromised if he is enlarged on bail, hence, this appears to be a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge