

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1232 of 2018**

Nirmal Bandi S/o Ghurau Ram Rathiya Aged About 26 Years R/o Village Barra, Police Chowki Jobi, Police Station Kharsiya, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Abhishek Saraf, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.04.2018**

Heard.

1. 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 in connection with Crime No.619 of 2017, registered at Police Chowki Jobi, Police Station Pusore, District – Raigarh, Chhattisgarh for the offence punishable under Sections 354, 354(A) and 506 read with 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 28.12.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant and totally a false FIR has been lodged against this applicant by the prosecutrix after 12 days of the incident with due deliberations. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case, on 30.11.2017 at about 7:30 pm when the prosecutrix had gone out to answer the call of nature, she was caught hold by the applicant alongwith one co-accused and it is alleged that this applicant outraged her modesty as well as made an attempt to rape her but due to some intervention the applicant and his company fled from the spot.
6. Considered the entire material present in the case-diary and the trial of the case is likely to take sometime for its conclusion, I am of the considered view that no purpose would be served if the applicant is kept in detention for the whole period of trial. Hence, this application deserves to be allowed.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge