

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5393 of 2018

Manish Kumar Burman S/o Raju Burman Aged About 26 Years Occupation
Supervisor Ultratech Cement, Present R/o- Village Rawan, P.S. Suhela,
District- Baloda Bazar-Bhatapara, Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through- Police Station Suhela, District- Baloda
Bazar- Bhatapara, Chhattisgarh **--- Respondent**

For Applicant	:	Shri A.S. Rajput, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2018

Heard.

1. This is a second application for grant of bail. Earlier application has been dismissed as withdrawn.
2. The applicant has been arrested in connection with Crime No.44/2018 registered at Police Station – Suhela, District Baloda Bazar-Bhatapara (CG) for alleged commission of offences under Section 363, 366(A), 354(A), 342, 323, 506 of IPC and Section 8 of POCSO Act.
3. Case of the prosecution is that the applicant outraged the modesty of the prosecutrix and also caused injury.
4. Learned counsel for the applicant submits that the investigation is complete, charge sheet has been filed and the most important prosecution witness has already been examined in the Court during trial, the applicant is in jail since 16.02.2018 and at this stage, when the important prosecution witnesses has already been examined and the trial has not been concluded till date, the applicant having remained in jail for more than 7 months, he may be granted bail.
5. On the other hand, learned State counsel opposes bail application and submits that looking to the nature of allegation made against the applicant of outraging modesty of the prosecutrix only on the ground of delay in trial, the

applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicant is in jail since 16.02.2018 and further that the important prosecution witness has already been examined and there is no material to show that applicant is likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Sd/-
(Manindra Mohan Shrivastava)
Judge