

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5367 of 2018

Jainarayan, Aged About 30 Years, S/o Mohanlal, Caste Sahu, R/o Village Darrabhatha, Police Station and Tahsil Malkharauda, Civil and Revenue District Janjgir Champa, Chhattisgarh

---- **Petitioner**

Versus

State of Chhattisgarh, Through District Magistrate Janjgir, District Janjgir Champa, Chhattisgarh, Through Police Station Malkharauda

---- **Respondent**

For Applicant	: Shri Deepak Kumar Singh, Advocate.
For Respondent/State	: Shri Umakant Singh Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/09/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No. 129/2018, registered at Police Station – Malkharauda, Civil and Revenue District – Janjgir – Champa (C.G.) for the offences punishable under Sections 294, 506 and 354(A) of the IPC.
2. As per the prosecution story, on 07.06.2018 at about 10.00 a.m. the applicant was cutting a bamboo tree with an axe from the kitchen-garden of the complainant. The complainant reached there and prevented the applicant from cutting the tree. On this, the applicant threatened the complainant of her life and he also threatened that he will commit rape with her and thereafter he caught her arms and started pulling her and thereby he outraged her modesty. A report was lodged and, therefore, an offence has been registered against the applicant. He is in custody since 29.06.2018.
3. Shri Deepak Kumar Singh, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely

implicated in the present case. He further submits that the present applicant is in custody since 29.06.2018, charge sheet has been filed and trial will likely to take some more time and there is no previous criminal antecedent of the applicant, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution, that there is no previous criminal antecedent of the applicant and the facts that he is in custody since 29.06.2018, charge sheet has been filed, therefore, trial will likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge