

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7985 of 2018**

- Md. Hussain @ Raja Khan, S/o Md. Mahmood, aged about 28 years R/o Village Pathanpara, Kharsia Tahsil, Kharsia District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station – Kharsia, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri N.K. Malaviya, Advocate.
For Respondent/State	:	Shri R.K. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/12/2018

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. 598/2018, registered at Police Station- Kharsia, District- Raigarh, (C.G.), for the offence punishable under Sections 354, 354 (D), 506(B) of the Indian Penal Code.
2. In this case, prosecutrix is a married lady aged about 35 years. On 15.09.2018, a written report has been lodged by the prosecutrix wherein it has been alleged that since 20.04.2018, present Applicant used to molest her and threatened her to commit various wrong doing. On the basis of the said report, offence has been registered against the present Applicant and he has been taken into custody on 16.09.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some previous enmity and dispute. He further submits that the

Applicant is a handicapped person having disability of 50% in his left hand. Charge-sheet has already been filed. Applicant is in custody since 16.09.2018 and trial will take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and states that there are three previous criminal cases registered against the present Applicant, however, out of those three cases, Applicant has been acquitted in two cases and one case is pending on which he is on bail.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the charge-sheet has already been filed, Applicant is in custody since 16.09.2018 and trial is 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. 20,000/- with one solvent 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