

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4330 of 2019

- Mahesh Kumar Nishad, S/o Shri Nand Kumar Nishad, Aged About 26 Years R/o Village-Kurud, Kutela, Police-Station-Arang, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer Police Station Kumhari, District-Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Shukla, Advocate
For State/respondent	: Mr. N.K Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/09/2019

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.101/2018 registered at Police-Station-Kumhari, District-Durg(C.G.) for the offence punishable under Section 341, 354(B) of IPC and under Section 7 & 8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. Applicant is in jail since 20.3.2018. No case is made out against him. Trial against him is

not concluded, hence, it is prayed that applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. The victim and the complainant are present before this Court, who have objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to prosecution case, on 19.3.2018 when the victim was on her way home, the applicant obstructed her path, then by putting her under threat with intention to outrage her modesty used physical force and disrobed her, regarding which FIR has been lodged.
7. Considering that the applicant is in jail since about 1 ½ year and the trial against him is still not concluded, for these reasons, this Court is inclined to release the applicant on bail.
8. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge