

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5440 of 2019

Ajay Agrawal, S/o. Late Kanwarsen Agrawal, Aged About 35 Years, R/o. Ward No. 23, Fish Market, Power, House Bhilai, Police Station Chhawani, Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. N. Naha Roy, Advocate
For Respondent/State	: Mr. Sanjay Pathak, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/10/2019

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.722/2019, registered at Police Station – Supela, District – Durg (C.G.) for the offence punishable under Section 341, 354, 195-A of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 25.07.2019. Charge-sheet in this case been filed and this applicant has not committed any offence. The complainant in this case is related to the applicant, who had earlier filed a complaint against the applicant for commission of offence under Section 498-A of I.P.C. in

which the applicant was granted anticipatory bail and thereafter furthering her grievance, the same complainant has lodged another FIR against the applicant making false allegations. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is evidence present against the applicant in the case diary, therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, FIR has been lodged alleging that this applicant used to harass her by behaving with her in obscene manner. The applicant has also installed CCTV camera in her bedroom and bathroom on the basis of which, he used to threaten the complainant that he will make recording of the complainant viral. Thereafter, on the date of incident, the applicant caught hold of the hand of the complainant and outraged her modesty.
6. Considered on the submissions made and the contents of the case diary. Considering that investigation in this case is complete and the case is now pending for trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram