

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6932 of 2019**

- Anil Yadav S/o Jagdev Ram Yadav, aged about 30 years, Posted at Police Station Shobha, District Gariyaband, Chhattisgarh, As Head Constable, District : Gariyabandh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, P.S. Shobha, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Varunedra Mishra, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****12/12/2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 05/2019 registered at Police Station-Shobha, District-Gariyaband (C.G.) for the offence punishable under Sections 354 of the IPC and 3 (2)(v) of Prevention of SC & ST Act.
2. The prosecution story, in brief is that on 11.08.2019 complainant Suman Tiwari informed to the police station that on 10.08.2019 at about 9:00 pm. she saw that someone trying to outrage modesty of a girl who is not mentally fit after that she asked to one Pintu Tiwari about the person, who said that he was the present applicant. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question.

He further submits that the complainant has not supported the prosecution case. The applicant is in jail since 11.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the complainant has not supported the prosecution case. The present applicant is in jail since 11.08.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**