

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6745 of 2019

- Samir Kumar Sonwani S/o Ratan Lal Sonwani Aged About 27 Years R/o Koharaud, Kasdol, Balodabazar, District-Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Outpost- Police Station Chauki- Lawan, Thana- Kasdol, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Ms.Supriya Upasane, Advocate
For Respondent/State	: Shri B.L.Sahu, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/12/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.681/2019 registered at police station Lawan, Kasdol, District Baloda Bazar (CG) for the offence punishable under Sections 354 and 451 IPC.

As per prosecution case, On 21.09.19 at about 3.30 p.m. when the prosecutrix was all alone in her house, applicant came there and caught hold of her hand with an intent to outrage her modesty. It is alleged that when she raised cries, her mother-in-law came there and the applicant ran away from the spot.

Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated. He submits that the applicant is in jail since 30.09.19; the charge sheet has been filed; the offence is triable by magistrate and the trial will take time for final disposal and therefore he may be released on bail.

On the other hand, learned counsel for the State opposes the bail application and submits that the prosecutrix was below 16 years of age. He further submits that if the applicant is released on bail then certain conditions may be imposed on him.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant, I am inclined to release him on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail subject to the following conditions:

- (i) That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the like nature, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- (ii) That the applicant shall make himself available for interrogation before the concerned investigating officer as and when required and shall not, directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them from

disclosing truth before the Court;

(iii) That the applicant shall not commit any offence or involve in any criminal activity;

(iv) That the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

(v) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

Certified copy as per rules.

Sd/-

(Rajani Dubey)

Judge