

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 95 of 2020**

Shankar Kumar Singh, S/o Hargobind Singh, aged about 43 years, Occupation – BSF Employee, Resident of village Goreya Piper, P.S. - Darima, District – Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through : S.H.O. Darima, District – Surguja (C.G.)

----Non-applicant

For Applicant	: Mr. Sunil Tripathi, Advocate.
For Non-applicant/State	: Ms. Akshra Amit, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****13/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 163/2019 registered at police Station Darima, District – Surguja (in the order sheet somewhere mentioned wrongly P.S. Seetapur) for the offence punishable under Sections 366, 354 & 323 of the Indian Penal Code.

(2) Case of the prosecution, in nutshell, is that on 07.12.2019 present applicant, who is an employee of BSF, outraged the modesty of the prosecutrix and sexually assaulted her and, thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the crime in question as there is no evidence on record to connect the applicant with the crime in question. He submits that the applicant is in detention since 10.12.2019 and he is ready

to abide by all the direction and conditions, which may be imposed by this Court while granting bail and, therefore, the applicant is entitled for regular bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; looking to nature and gravity of the offence; particularly the facts that applicant is in detention since 10.12.2019; trial is likely to take some time for its final disposal and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail.

(6) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:

- That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
- That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-

(Rajani Dubey)

Judge

D/-

