

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 214 of 2020**

- Kewal Ram Sen S/o Indrajit Sen Aged About 20 Years R/o Devri, Police Station Kurud, District Dhamtari, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Gurur, District Balod, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Suresh Tandon, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/02/2020**

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. 226/2019 registered at Police Station-Gurur, District-Balod (C.G.) for the offence punishable under Sections 452, 354A(2), 354(घ) of the IPC, 3(2)(V) of SC & ST Act and 8, 12 of POCSO Act.
2. The prosecution story, is that on 13.08.2019 when daughter of the complainant was alone in his house the present applicant came there and tried to outrage her modesty, when the victim was raised alarm for help the applicant ran away from the spot. Thereafter, victim narrated the whole thing to her father and father of the victim lodged the report against 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 applicant is in jail since 19.10.2019,

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 applicant is in jail since 19.10.2019 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 and the applicant is directed not to communicate/contact in any manner with the prosecutrix, her family members and the witnesses cited in the charge sheet and any other person concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the prosecutrix, her family members and the witnesses may report the said act to the trial Judge and if the trial Judge finds after hearing that in any way the applicant directly or indirectly gave pressure for illegal favour in the trial or otherwise, the bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial Court may take the applicant in custody including other measures as provided under the law.

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