

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 139 of 2020**

- Sunil Dutt Gupta S/o Chandrgupta Chhiroliya Aged About 52 Years R/o Bajrang Para, Ward No.14, Near Old Bus Depot, Raigarh At Present R/o Anuj Vastralay, Gerwani, Thana Punjipathara, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Punjipathara, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sanjay Agrawal, Advocate
For Respondent	:	Shri B.L. Sahu, P.L.

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

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.197/2019, registered at Police Station - Punjipathara, District Raigarh (C.G.) for the offence punishable under Sections 354, 509 B, 506 IPC, Section 8 of Protection of Children from Sexual Offences Act and Sections 3(1)(r)(s) and 3(2)(va) of Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The prosecution story, in brief, is that on 29.10.2019, complainant made a report at police station Punjipathara alleging therein that on 27.10.2019 at about 6.00 PM, when she was working in the clothes shop of the applicant, she was shown porn video by the applicant, caught hold of her hand and waist with intent to outrage her modesty but she somehow managed to flee from there. The applicant also threatened her not live in village Gerwani if she disclosed the

incident to anyone. Based on this, offence has been registered. The applicant has been taken into custody on 19.12.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that relation of complainant and the applicant was of employee and employer and there was dispute with regard to payment of bonus, but the complainant falsely implicated him raising allegation of outraging modesty. He also submits that the applicant is ready to furnish adequate security and shall abide by all such terms and conditions which may be imposed upon him by the Court. He next submits that the applicant is in custody since 19.12.2019, the charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 19.12.2019, charge sheet has been filed and the disposal of case may take some time, I am of the view that the applicant is entitled to an order of bail pending trial on stringent conditions in order to safeguard the interest of the prosecution.
7. Accordingly, the application is allowed. The applicant is ordered to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, on the following conditions:-
 - (i) The applicant shall not directly or indirectly make any inducement, threat or promise to the

complainant or any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the court or to any other authority.

- (ii) The applicant shall remain present before the court on the dates fixed for hearing of the case, for any reason due to unavoidable circumstances for remaining absent he has to give intimation to the concerned Court and make a proper application that he may be permitted to be present through counsel.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde