

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 232 of 2020**

- Shiv Shankar Rajak son of Dhannu Lal, aged about 22 years, resident of village Gudi, Chhuihapara, P.S. Sipat, District Bilaspur (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Station House Officer, Police Station Sipat, Civil and Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Virendra Verma, Advocate
For Respondent	:	Shri Akhtar Hussain, P.L.

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

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.456/2019, registered at Police Station - Sipat, District Bilaspur, (C.G.) for the offence punishable under Sections 354 IPC and Section 8 of POCSO Act, 2012.
2. The allegation against the present applicant is that on 13.12.2019, the applicant took the prosecutrix to an isolated place near her kitchen-garden, tried to outrage her modesty and also committed maarpeet with her. Based on this, offence has been registered. The present applicant has been taken into custody on 14.12.2019.
3. Learned counsel for the applicants submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant is student aged 22 years old and his examination is to be conducted in the month of March 2020 and due to his pre-trial detention, he may suffer

irreparable loss towards his studies. The applicant is in custody since 14.12.2019 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 14.12.2019 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