

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 864 of 2020**

- Kanhaiya, S/o Firangi Yadav, Aged About 28 Years, R/o Devri Chowk Pantora, Police Station- Baloda, District- Janjgir-Champa Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer Baloda, District - Janjgir-Champa Chhattisgarh.

---- Respondent

For Applicant : Basant Dewangan, Adv.

For Respondent/State : Mr. Vinod Kumar Tekam, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.03.2020**

1. The accused/applicant has moved his first bail applications filed under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 06/2020 registered at Police Station- Baloda, District - Janjgir-Champa, (C.G.) for the offence punishable under Sections 457, 354, 506 of Indian Penal Code, Section 3(1)(11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, U/s 8 of POCSO Act.
2. The prosecution story, in brief is that, on 01.01.2020 at about 1.00 AM, prosecutrix was slept with her sister at that time, the present applicant entered the house of the prosecutrix and tried to misbehave with her by grabbing her hand. Thereafter, 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 05.01.2020, 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, and further considering the detention period of the applicant as 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**

Ruchi