

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 822 of 2020**

- Sunny Bhagat S/o Sushil Bhagat, Aged About 19 Years R/o Green Chowk, Sabhapati Ward No. 25, Durg, District Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Mohan Nagar, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr, Purnendra Khichariya, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/03/2020**

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. 450/2019 registered at Police Station-Mohan Nagar, Durg, District-Durg (C.G.) for the offence punishable under Sections 354, 323, 34 of the IPC and 8 of POCSO Act.
2. The prosecution story, in brief is that, prosecutrix lodged a written report that the prosecutrix is studying in Class-8th in Rani Laxmi Bai School and on 17.12.2019 when prosecutrix along with her friends was returning from school to her house, at that time, on the way the applicant along with other co-accused persons came there in his motorcycle, and caught prosecutrix's hand as well as her friend Ritu Sahu's hand with intention to outrage their modesty. Based on this, offence has been registered against the present applicant and other co-accused persons.
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 charge-sheet has been filed and the applicant is in jail since 17.12.2019, 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 17.12.2019 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**