

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 772 of 2020**

- Dukalu Baghel S/o Jeevrakhan Baghel Aged About 38 Years Resident Of Village- Mudapaar Chhatri, Police Station- Berla, District- Bemetara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Berla, District- Bemetara Chhattisgarh.

---- Respondent

For Applicant. : Mr. Sanjeev Kumar Sahu, Advocate.
For Respondent/State : Mr. Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 03/2020 registered at Police Station - Berla, District Bemetara (C.G.) for the offence punishable under Sections 354 & 341 of IPC and Sections 8 & 12 of POCSO Act.
2. As per the prosecution case, the allegation against the present applicant is that, while she was returning to her house, at that time the present applicant came there and tried to outrage her modesty. Based on that, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant is in jail since 09.01.2020

and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel 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 the applicant, age of the prosecutrix 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said 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**