

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1295 of 2020**

Nageshwar @ Jitendra Pradhan, son of Shyamlal Pradhan, aged about 22 years, resident of Kosambuda, Police Station -Chhura, District – Gariyaband (C.G.)
(In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station – Chhura, District – Gariyaband (C.G.)

----Non-applicant

For Applicant	: Mr. Sumit Singh Rathore, Advocate on behalf of Mr. Jitendra Shukla, Advocate.
For Non-applicant/State	: Mr. Vikram Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/05/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 12/2020 registered at police Station Chhura, District Gariyaband (C.G.) for the offence punishable under Sections 294, 323, 506, 341, 354(A) & 354(C) of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that present applicant outraged the modesty of the minor complainant and abused and threatened her and caused simple injuries to her and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has falsely been implicated in the crime in question as there is no evidence available on record to connect the applicant with the crime in question. He further submits that applicant is languishing in jail since 25.01.2020 and no useful purpose would be served by keeping him further in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State submits that the complainant is a minor on the date of offence.

(5) Taking into consideration the nature and gravity of the offence, in particular, the fact that applicant is in detention since 25.01.2020 and no custodial interrogation is required; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) 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 trial Court on each and every date given by the said Court till disposal of the trial.

(7) It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

(8) Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

