

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1966 of 2020**

- Shekh Sahbaz @ Baba S/o Shri Jabulla Aged About 19 Years R/o Islam Mohalla (Wrongly Mentioned Slam), Saraypali, Police Station- Saraypali, District- Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through- Officer In Charge Of Police Station- Saraypali, District- Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:Shri Roop Naik, Advocate.
For Respondent	:Shri Sameer Sharma, Dy. Govt. Advocate

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19.5.2020**

- Heard.
- Admit.
- 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.50/2020, registered at Police Station – Saraypali, District Mahasamund(C.G.) for the offence punishable under Sections 341, 354 of the IPC.
- It is the case of the prosecution that the prosecutrix has lodged a report that on 14.2.2020, when she was going to School, at about 9.30 am on the way, the applicant tried to outrage her modesty in public place.

- Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and the prosecutrix was in love affair with the applicant. He further submits that the prosecutrix has lodged the report due to pressure of her family. He submits that as the applicant is in custody since 19.2.2020 and the trial is likely to take some time for its final disposal, he may be released on bail.
- On the other hand, counsel for the State opposes the bail application.
- Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and further considering the contention of learned counsel for the applicant that the prosecutrix and the applicant were in love affair; charge sheet has been filed and the offence is triable by Judicial Magistrate First Class, I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
- Accordingly, the application is allowed.
- It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
- 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 23.3.2020 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.

- Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge