

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2130 of 2020

- Baleshwar Cherwa S/o Late Lallan Aged About 25 Years R/o Village- Majira, Fulpara, Police Out Post- Latori, P.S.- Jainagar, District- Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Out Post- Latori, Police Station- Jainagar, District- Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri A.K. Prasad, Advocate
For Respondent/State	:	Shri H.S. Ahluwaia, Dy. Advocate General

Hon'ble Smt. Justice Rajani Dubey
Order On Board

26/05/2020

1. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 57/2020, registered at Police Station- Police Out Post Latori, P.S. Jainagar, District Surajpur(CG) for the offence punishable under Section 354 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that the prosecutrix has lodged a report that on 27.2.2020, while she was returning to home from market, on the way the applicant caught hold her and tried to outrage her modesty. The prosecutrix shouted then the applicant ran away.
3. Learned counsel for the applicant submits that the applicant is innocent and he has not committed any offence. He submits that as there is land

dispute between the applicant and the family of the prosecutrix and a case of civil nature is pending before the Court below, the applicant has been falsely implicated in the case. He submits that the applicant is in jail since 27.2.2020 and trial may take some time for its final disposal, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Perused the entire material available on record.
6. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and the detention period of the applicant and trial may take some time for its final disposal, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. 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.
9. 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.

10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE