

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3578 of 2020**

- Aarif Khan, S/o- Late Bashir (wrongly mentioned as Vasir in order sheet), Aged about- 27 years, R/o- Magarpara Chowk, Police Station Civil Line, District- Bilaspur (C.G.)---- **Applicant**

**Versus**

- State of Chhattisgarh, Through- Station House Officer, Police Station- Sirgitti, District- Bilaspur (C.G.) ---- **Respondent**

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|----------------------|---|-----------------------------------------------------|
| For Applicant        | : | Mr. Ashish Gupta, Adv. and<br>Mr. Qamrul Aziz, Adv. |
| For Respondent/State | : | Mr. Vimlesh Bajpai, Govt. Adv.                      |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****01/07/2020**

1. Heard on admission.
2. Admit.
3. The present 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. 200/2020 registered at Police Station Sirgitti, District- Bilaspur (C.G.) for the offence punishable under Sections 354, 342, 294, 323, 506, 34 of the IPC.
4. The prosecution story in brief is that, on 12.05.2020 at night, about 8 to 9 p.m. the present applicant with two other co-accused entered into the house of the prosecutrix, there they abuse her with filthy language and outraged her modesty. In the meanwhile, the prosecutrix made a call to one Parmeshwar Verma. When the Parmeshwar Verma came to the spot, the applicant and other accused assaulted him with hands, fist and club. Based on this, the prosecutrix lodged report before the concerned Police and after investigation, the Police has registered crime against the present applicant and arrested the present applicant on 13.05.2020.
5. 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 the prosecutrix has purchased chicken on credit during the lockdown period from chicken shop of the present applicant. Later, the applicant

has demanded the said amount, the prosecutrix started quarrel with him and lodged a false report. He next submits that the applicant is in jail since 13.05.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the prosecution has failed to produce evidence to establish the charge against the applicant before the trial Court and the applicant is in jail since 13.05.2020, 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.
9. 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.
10. It is made clear that if the applicant has already been released on bail pursuant to the bail bond 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 bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

Sd/-  
**(Rajani Dubey)**  
**Judge**