

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4387 of 2020

Sushil Agariya S/o Shobhit Agariya Aged About 20 Years R/o Village Sakalo Baghpara, Police Station Gandhinagar, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Gandhinagar, Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Abhishek Pandey, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2020

Heard.

1. The applicant has been arrested in connection with Crime No.108/2019 registered in Police Station -Gandhinagar, Ambikapur, District- Sarguja (CG) for alleged commission of offence under Sections 354/34 (two counts), 354-A/34 (two counts), 354-B/34 (two counts), 506 Part-II (two counts), 323/34 (three counts), 427 IPC, Section 7 read with Section 8 and Section 9 (g) read with Section 10 of the Prevention of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant and co-accused Preetam Agariya outraged modesty of the two sisters (names not disclosed).
3. Learned counsel for the applicant submits that as far as present applicant is concerned, he has been falsely implicated. The two complainants- PW1

and PW-2 have been examined and they have made allegation only against co-accused Preetam and there is no whisper against the present applicant.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the allegations are serious. The two prosecutrix, out of which one was minor, were subjected to act of outraging modesty. He submits that the trial is not complete and the investigation is going on, therefore, at this stage, the applicant may not be granted bail.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the submission that the prosecutrix- PW1 and PW2 both have been examined and the submission of learned counsel for the applicant that none of them has disclosed against the present applicant and that most important witnesses of the prosecution have already been examined, I am inclined to grant bail to the applicant.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge