

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4700 of 2020**

- Shankar Lal Nishad S/o Vishnu Nishad aged about 50 years, R/o Village, Ghodari, River Turning, Thana-Mahasamund, District-Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - The Police Station House officer Thana-Mahasamund, District-Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Deepak Jain, Adv.
For Respondent/State	:	Mr. Rahul Jha, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31/08/2020**

1. The 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. 37/2020 registered at Police Station Mahasamund, District-Mahasamund (C.G.) for the offence punishable under Sections 376, 511 and 506 of the IPC.
2. The prosecution story, in brief is that, on 15.01.2020 prosecutrix lodged a report with the allegation that she was residing with her elder sister and sister's husband house when she was alone in the house the applicant (husband of the prosecutrix elder sister) caught her and tried to outrage her modesty. Based on this offence has been registered against the present applicant.
3. 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 age of the prosecutrix is 28 years and the applicant is in jail since 15.01.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. 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.

5. I have heard learned counsel for the parties and perused the case diary.
6. 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 applicant is in jail since 15.01.2020, 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.
7. 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.

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