

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5232 of 2020**

- Gourav Kumar Poddar, S/o Pramod Kumar Poddar, Aged About 20 Years, R/o Panjari Plant, Raigarh, P.S.- Chakradharnagar, Tahsil & District- Raigarh (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through the Police Station- Chakradharnagar, Raigarh, District- Raigarh (C. G.).

---- Respondent

For Applicant : Mr. Hari Agrawal, Adv.

For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.09.2020**

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. 175/2020 registered at Police Station- Chakradharnagar, District- Raigarh (C.G.) for the offence punishable under Sections 354, 454, 34 of IPC.
2. The prosecution story, in brief is that it has been alleged that on 09.07.2020, at about 11.00 P.M., the present applicant along with other co-accused namely Pinku Agrawal forcibly entered the house of the prosecutrix and tried to outrage her modesty. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
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 charge-sheet has been filed and the offence is triable by Judicial Magistrate First Class. He next added that prosecutrix is a major lady and there is no previous criminal record has been registered against the present applicant. The applicant is in jail since 14.07.2020 and 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 the submission made in this respect. It is submitted that the offence committed by the present 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, and further considering the facts that offence is triable by Judicial Magistrate First Class and charge-sheet has been filed. He next added that prosecutrix is a major lady and the applicant is in jail since 14.07.2020 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**

Ruchi