

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5631 of 2020**

- Mahesh Kumar S/o Late Shri Buddu Singh Aged About 25 Years R/o Chilhantola (Katra), P.S.- Marwahi, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Sho, P.S. Marwahi, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Achyut Tiwari, Advocate.
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/10/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.20/2020 registered at Police Station- Marwahi, District: Gaurela-Pendra-Marwahi, C.G. for the alleged commission of offence under Sections 354, 452 & 34 of IPC.
2. Prosecution case is that the applicant along with other co-accused entered the house of the prosecutrix and outraged her modesty.
3. Learned counsel for the applicant would submit that the allegations against the applicant are false and applicant has not committed any such offence. His next submission is that investigation is complete, charge sheet has been filed and that the applicant is in jail since 03.02.2020 and trial is not likely to commence early, at this stage, the applicant may be granted bail.
4. On the other hand, learned State Counsel opposes and submits that from the statement of the prosecutrix, it is clear that when the prosecutrix was all alone at home, the applicant and other co-accused entered the house of the prosecutrix and she was thrown on the ground and one of the accused sat on

her, which show that they entered the house with intention to outrage her modesty.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the nature and extent of the criminal overt act allege to constitute the offence of outraging modesty of the prosecutrix and further taking into consideration that investigation is complete, charge sheet has been filed and that the applicant is in jail since 03.02.2020, at this stage, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is 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 of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.
7. The applicant is being grant bail on the condition that he shall not, in future, make any contact with the prosecutrix in any manner whatever if there is any complain approaching the prosecutrix, the prosecutrix or the State would be at liberty to apply for cancellation of the bail.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge