

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5490 of 2020

- Vinod Harijan son of Lakshan, aged about 28 years, Residence of Karamdiha, Thana Raghunathnagar, District Balrampur Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through Police Station – Raghunathnagar, District Balrampur Ramanujganj (C.G.)

---- State/Non-applicant

For Applicant : Shri Vikash Pandey, Advocate

For Non-Applicant/State : Shri H.S. Ahluwalia, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order in Board

30.09.2020

1. This application is heard through Video Conferencing.
2. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 23.07.2020 in connection with Crime No. 66/2020 registered in Police Station- Raghunathnagar, District Balrampur Ramanujganj (CG) for the offence punishable under Sections 457, 354, 323, & 506 Part II of the Indian Penal Code.
3. Allegation against the present applicant is that on 20.07.2020 at 12:00 in the night, the applicant committed house trespass in the house of the prosecutrix with intent to outrage her modesty, threatened her, caused her hurt by pressing her neck and outrage her modesty.
4. Learned counsel for the applicant submits that the applicant is an innocent person has been falsely implicated in this crime, he is languishing in jail since 23.07.2020, he is the first offender and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail

application. However, he submits that there is no other criminal case registered against the applicant at Police Station Raghunathnagar, District Balrampur Ramanujganj (C.G.).

6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the age of the applicant, the fact that he has no previous criminal antecedents and is in jail since 23.07.2020, without expressing any opinion on merits of the case and the fact that conclusion of the trial may take some time, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.25,000/- with two sureties for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
7. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge