

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6329 of 2020**

- Raghunath Sahu, S/o Shri Bare Lal Sahu, aged about 55 Years, R/o Village - Loharidih, Police Station - Rengakhar Jangle, Tahsil - Bodla, Civil and Revenue District - Kabirdham (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through the District Magistrate Kabirdham, Civil and Revenue District - Kabirdham (Chhattisgarh).

---- Respondent

For Applicant	Shri Anup Majumdar, Advocate with Shri Basant Dewangan, Advocate.
For State	Shri Dinesh Tiwari, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

26/11/2020

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 20.08.2020 in connection with Crime No.32/2020 registered at Police Station- Rengakhar, District Kabirdham, C.G. for the offence punishable under Sections 354, 456 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 15.08.2020 at about 7:30 pm when the prosecutrix along with her three children were at home and her husband had gone out in connection with his work, the applicant entered her home in drunken condition, asked her for physical relation by offering Rs.2,000/-, caught hold of her hand and dragged her with intention to outrage her modesty. However, on her raising hue and cry, her neighbours reached

there, on which the applicant fled from the spot. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He also submits that the applicant is in jail since 20.08.2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail by imposing suitable conditions.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the fact that there is political rivalry between the parties, the copy of the judgment of the trial Court and other documents filed along with the bail application by the applicant, the detention period of the applicant and that the trial is likely to take some time for conclusion, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the appellant. Accordingly, the appeal is allowed. It is directed that in the event of applicant executing a personal bond for a sum of **Rs.50,000/-** with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,

- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) He shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh