

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6956 of 2020

- Ashish Pal, s/o Shri Ashok Pal, aged about 19 years, R/o Laxmi Nagar, Near Kalyani Public School, PS Tikrapara, District Raipur CG

---- Applicant (In Jail)

Versus

- State of Chhattisgarh Through the Police Station Mana Camp, District Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri Pragalbha Sharma, Advocate
For Respondent/State	: Shri Sidharth Dubey, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

14.12.2020

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.103 of 2020 registered at Police Station Mana Camp, District Raipur CG for the offences punishable under Sections 341, 354, 323 r/w 34 of the IPC.
2. Case of the prosecution in brief is that when the complainant was going to night duty on 03.09.2020, she was stopped by four persons on the road. When she did not stop and overtook the accused persons, they followed her on Motorcycle and stopped her by bringing their Motorcycle in front of her vehicle, two persons came near her and tried to outrage her modesty, upon which she gave a blow with her leg on the abdomen of two persons and escaped from the place of incident. FIR was registered on the next day ie on 04.09.2020 against unknown person and one another for the aforementioned offences.
3. Shri Pragalbha Sharma, learned counsel for the appellant submits that crime was registered against only unknown person and one another as per the

statement of complainant recorded under Section 164 of the CrPC, she saw four persons caught by the Police for pick-pocketing, and it is thereafter, she identified them to be the persons who tried to stop her at night. On the basis of memorandum statement of co-accused applicant was arrested. There is no other material to connect the present applicant to be the person, who committed the offence as alleged by the complainant. He further submits that the applicant is a young boy of 19 years and there is no criminal antecedents against him.

4. Shri Sidharth Dubey, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that the allegation levelled by the complainant against the present applicant and other co-accused is of serious nature. Complainant was stopped on road at midnight while she was going to attend her duty and tried to molest her. He further submits that bail application of other co-accused namely, Shekhar Mistri was dismissed by the co-ordinate Bench of this Court vide order dated 06.11.2020 and the case of present applicant also stands on similar footing and submits that the applicant is not entitled for the benefit under Section 439 of the CrPC.

5. At this stage, learned counsel for the applicant submits that from perusal of above mentioned order of Shekhar Mistri it reveals that his application came to be dismissed considering him to be a habitual offender as mentioned in the aforementioned order and as many as six criminal cases are pending against him on the date of registration of crime.

6. I have heard learned counsel for the parties.

7. Taking into consideration the nature of offence and the allegation levelled against the present applicant, as well as further taking into consideration the tender age of applicant to be of 19 years, with no other criminal antecedent against him, I am inclined to enlarge the applicant on bail.

8. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE