

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7072 of 2020

- Bhojram Rathiya S/o Ramnath Rathiya, Aged About 23 Years, R/o Village Samkera (Baigapara) Police Station and Tahsil Tamnar, District Raigarh, Civil and Revenue District Raigarh (Chhattisgarh)., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Officer-in-Charge Police Station - Tamnar, District Raigarh (Chhattisgarh)., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ashutosh Mishra, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 27-09-2020 in connection with Crime No.333/2020 registered at Police Station - Tamnar, District Raigarh, Chhattisgarh for the offence under Section 354, 506 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant has not committed any offence. The FIR lodged is totally false because of previous enmity. The applicant is in jail since 27-09-2020 and there is no requirement of his further detention. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix has very clearly made allegation against the applicant regarding commission of offence in her statement, therefore, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. As per the case, it is alleged that the victim of the case had been to the field to answer the call of nature when this applicant arrived who by use of physical force outraged modesty of the victim and when she objected the applicant also threatened her, regarding which the FIR has been lodged.

6. After considering on the submissions and the facts present of the case, I am of this view that the applicant should be granted bail during pendency of the trial against him.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge