

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 8716 of 2020

- Chandan Sav, S/o Gama Sav, aged about 26 years, R/o Marar Gali, Magarpara, Bilaspur, Tahsil & District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Station House Officer, Police Station – Sirgitti, District - Bilaspur (C.G.)

---- State/Non-applicant

For Applicant : Shri Qamrul Aziz, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

10.12.2020

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of the parties, the application is heard finally.
4. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 17.10.2020 in connection with Crime No. 200/2020 registered in Police Station- Sirgitti, District Bilaspur (CG) for the offence punishable under Sections 354, 342, 294, 323 & 506 read with Section 34 of IPC.
5. The prosecution story in brief is that, on 12.05.2020 at about 08-09:00 pm, the present applicant with two other co-accused entered into the house of the prosecutrix, there they abuse her with filthy language and outraged her modesty. In the meanwhile, the prosecutrix made a call to one Parmeshwar Verma. When Parmeshwar Verma came to the spot, the applicant and other co-accused assaulted him with hands, fist and club. Based on this, the prosecutrix lodged report before the concerned Police Station and after

investigation, the police has registered crime against the present applicant and arrested him on 17.10.2020.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 17.10.2020 and conclusion of the trial is likely to take some time. He also submits that one of the co-accused namely Arif Khan has been granted regular bail by the coordinate bench of this Court vide order dated 01.07.2020 passed in M.Cr.C. No. 3578 of 2020, therefore, the present applicant be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the detention period of the applicant, he has no criminal antecedents as admitted by both the counsel and the fact that conclusion of the trial may take some time and that the co-accused in this case has been granted regular bail by the coordinate bench of this Court, without expressing any opinion on merits of the case, the application 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. The applicant 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.
9. 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