

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7303 of 2019**

- Sukhdev Meshram S/o Vijayram Meshram Aged About 35 Years, Caste- Mahar, R/o Village Bidouri, Post Office, Police Station And Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Adv.
For Respondent/State	:	Ms. Akshra Amit, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/01/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 247/2019 registered at Police Station Khairagarh District-Rajnandgaon (C.G.) for the offence punishable under Sections 354, 354-A(1)(i), 354-A(1)(ii) of IPC and 7, 8 of the Protection of Children From Sexual Offences Act.
2. The prosecution story, in brief is that, complainant/prosecutrix filed a written report that on 17.09.2019 at about 02:30 pm. when the complainant was gone in the agricultural field, at that time applicant came there and tried to outrage her modesty by caught hold her as well as touched her chest/breast. When prosecutrix shout then her mother and other persons were come on the spot and intervened in the incident. Thereafter, the accused/applicant ran away from there. Based on this offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He

further submits that the applicant is in jail since 17.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the present applicant is in jail since 17.09.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed, subject to following conditions:
 - That, the applicant will furnish a specific, undertaking that while on bail, he will not commit any offence, otherwise bail granted to him will be liable to be cancelled and shall co-operate the prosecution during trial.
 - That, the accused/applicant will make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant will 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/her from disclosing such facts to the Court or to any police officer.
 - That, the accused/applicant will not act, in any manner, which will be prejudicial to fair and expeditious trial.
 - That, he will furnish a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**