

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7686 of 2019**

- Suresh Rathod S/o Ramswarup Rathod, Aged About 36 Years, R/o Himaupur, Police Station - Firozabad (U. P.) Present Address - Kotsagar Para, Police Station - Kota, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Police Station - Kota, District - Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Faiz Kazi, Adv.
For Respondent/State	:	Mr. Vinod Kumar Tekam, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/01/2020**

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. 457/2019 registered at Police Station-Kota, District-Bilaspur (C.G.) for the offence punishable under Sections 354 of the IPC and 12 of the POCSO Act.
2. The prosecution story, in brief is that prosecutrix lodged a report that on 11.10.2019 when the prosecutrix has gone to a nearby groceries shop in the village, and while returning, the accused approached her to ask for sexual favours. Thereafter, when the accused was painting the house of his landlord, the accused deliberately flashed his genitals in front of the prosecutrix. 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 11.10.2019, 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 11.10.2019 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 try to threat the witnesses, 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**