

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 25 of 2021**

- Mahesh Gupta S/o Shri Chhatru Sao Aged About 29 Years R/o Village Girhi, Police Station - Izak, At Present R/o Village Hadari, Police Station Ilak, District- Hazaribag, Jharkhand, District : Hazaribag, Jharkhand

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Mujgahan, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Ratnesh Kumar Agrawal, Advocate.
For State	:	Mr. Sudhir Sahu, Panel Lawyer

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Hon'ble Shri Justice Gautam Chourdiya**Order on Board****08-02-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 11-10-2020 in connection with Crime No. 399 of 2019 registered at Police Station Mujgahan, District Raipur (CG) for the offence punishable under Sections 456 and 354 of IPC.
2. The allegation against the present applicant is that on 22-10-2019 the applicant entered into the room of the complainant and outraged her modesty and on the basis of report lodged in Police Station, offence was registered against the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, neither he entered into the house of the complainant nor outraged modesty of the complainant, charge sheet

has been filed, except present one, hen has no other criminal case, he is in jail since 11-10-2019 and conclusion of the trial is likely to take some time, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the present applicant has no other criminal antecedents.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, looking to the nature of allegations leveled against the applicant, considering that the age of the applicant is 29 years, there is no likelihood of the applicant tampering with the evidence of absconding and applicant has no other criminal antecedents as admitted by both the parties and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted bail on the following conditions:
 - i. he shall 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 from disclosing such fact to the Court,
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he 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 this Court.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial court in the event of applicant involving himself in similar nature of offence.

Sd/-

(Gautam Chourdiya)
Judge

Raju