

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 51 of 2021**

- Wasim Khan @ Pintu Khan @ Wasim Alam s/o Shri Mohd. Sameem Aged About 30 Years Caste- Musalman, Occupation- Mechanic, R/o. Patthalgaon, P.S. Patthalgaon, District Jashpur (Chhattisgarh). ---- **Applicant**

Versus

- The State of Chhattisgarh through the Station House Officer, PS- Patthalgaon, Distt. Jashpur (CG) ---- **Non-applicant**

For Applicant : Mr. A.N. Bhakta, Advocate.

For State : Mr. Sameer Uraon, Panel Lawyer

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 28-12-2020 in connection with Crime No. 284 of 2020 registered at Police Station Patthalgaon, District Jashpur (CG) for the offence punishable under Sections 452, 294, 323, 342 & 354 (B) of IPC.
2. Allegation against the present applicant is that on 28-12-2020 at about 1.00 to 2.00 pm the applicant forcibly entered into the house of the prosecutrix, abused her, assaulted her with hands and by using criminal force he outraged her modesty, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, the offence is triable by the Magistrate, applicant is first and young offender aged about 30 years, charge sheet has been filed, except present one, he has no other criminal case, he is in jail since 28-12-2020 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, the fact that the offence is triable by the Magistrate, applicant is first and young offender, the applicant is a local resident, 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.

Sd/-

(Gautam Chourdiya)
Judge

Raju