

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 624 of 2021

- Neelkanth Verma, S/o Chandrabhan Verma, Aged About 24 Years, R/o- Village- Badhaitola, Police Station and Tahsil- Khairagarh, District- Rajnandgaon, Chhattisgarh. ---- **Applicant**

Versus

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

---- **Non-Applicant/State**

For Applicant	:	Shri Rahim Ubwani, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18.03.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 15.12.2020 in connection with Crime No. 493/2020, at Police Station- Khairagarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 294, 354, 354 (b) of I.P.C.
2. Case of the prosecution, in brief, is that on 13.12.2020 the prosecutrix alongwith her mother, sister and brother had gone for vegetable picking, at about 2.30 when prosecutrix's brother, sister and mother returned to home, the prosecutrix stayed at her field for keeping vigil on the crop, at that time the accused person came there, caught her hand, abused her and tried to outrage her modesty. The prosecutrix informed her father about the incident and thereafter, report was lodged against the present applicant and during investigation the applicant was arrested by the police.

3. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated, he submits that the applicant/accused is young offender, he is in jail since 15.12.2020, charge-sheet has already been filed, the present applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the applicant, who is 24 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the 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 on following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) 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 the Bench.

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 offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim