

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 573 of 2021**

- Mohammad Qurban S/o Mohammad Irfan Aged About 39 Years (As Per Chargesheet) R/o Sharma Colony Camp 2 Powerhouse Bhilai District Durg (Chhattisgarh),
---- **Applicant**

Versus

- State of Chhattisgarh Through S.H.O. Police Station Chhawani, District -Durg (Chhattisgarh)
---- **Non-applicant**

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For State : Mr. C.B . Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board**12-03-2021**

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 26-11-2020 in connection with Crime No. 653 of 2020 registered at Police Station Chhawani, District Durg (CG) for the offence punishable under Sections 354 and 506 of IPC.
2. Allegation against the present applicant is that on 25-11-2020 when the complainant was working house-hold work in her house, at that time the applicant entered into her house and outraged her modesty. On the basis of the report lodged by the complainant, applicant was arrested.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He would further submit that charge sheet has been filed, applicant is in jail since 26-11-2020 and conclusion of the trial is likely to take some time for its final disposal, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and submitted that the applicant has one criminal antecedent against him.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of offence, the detention period of the applicant, charge sheet has been filed and there is no apprehension of the applicant tampering with the evidence or absconding 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 Rs25,000/- 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.

Sd/-

(Gautam Chourdiya)
Judge

Raju