

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 718 of 2021**

- Kameshwar Singh Hansraj, S/o Suresh Kumar Hansraj, aged about 30 years, Caste Suryavanshi, R/o Village Chhindpur, Police Chowki Hardi Bazar, Police Station Kusmunda, District Korba (CG)

---- Applicant

Versus

- State of Chhattisgarh, Through the Police of Police Chowki Hardi Bazar, Police Station Kusmunda, District Korba (CG) (CG)

---- Non-applicant

For Applicant	:	Mr. Govind Dewangan, Advocate
For Respondent	:	Mr. Ravish Verma, Govt. Advocate
For Objector	:	Mr. Basant Kaiwartya, Advocate

(Proceedings through video conferencing)

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****21.5.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 30.12.2020 in connection with Crime No.484/2020 registered at Police Chowki Hardi Bazar, Police Station Kusmunda, District Korba (CG) for commission of the offence punishable under Sections 354, 354(B), 354 (D) & 506 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 4.12.2020 at about 4.00 p.m. the prosecutrix was walking in front of her house, at that time the applicant came there, caught hold of her hands with intent to outrage her modesty and pressed her breast. Applicant asked the complainant to accompany with him, to which she refused. In the attempt of dragging the complainant by applicant, clothes of the complaint got torn. On making hue & cry by the complainant, the applicant fled away from

the spot after giving threats to the complainant. Report of incident was immediately lodged by the complainant in the concerned police station based on which offence in question is registered against the applicant.

3. Mr. Govind Dewangan, learned counsel for the applicant submits that the applicant has not committed the offence as alleged against him. Applicant is in jail since 30.12.2020, he is not having any criminal antecedent and charge sheet has already been filed. Hence, the applicant may be enlarged on regular bail.
4. On the other hand, Mr. Ravish Verma, learned State Counsel opposes the prayer for grant of bail and submits that there is specific allegation against present applicant in FIR that present applicant attempted to outrage modesty of the complainant by using criminal force and during the incident, the clothes of prosecutrix got torn. Hence, the applicant is not entitled to be released on regular bail.
5. Mr. Basant Kaiwarth, learned counsel appearing on behalf of the Objector opposes the submissions made by learned counsel for applicant and submits that applicant has committed the offence in day light, threatened the complainant, therefore, he may not be released on regular bail.
6. I have heard learned counsel for the parties.
7. Taking into consideration the overall facts and circumstances of case, nature of allegations levelled against the applicant, period of detention from 30.12.2020 and further considering the statement made by learned State Counsel that as per case diary, the applicant has no criminal antecedent, without commenting anything on merits of the case, I am inclined to release the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the

applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) he shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar kind of offence in future, it will be open for the State to apply for cancellation of his bail.

9. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Vacation Judge

roshan/-