

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 626 of 2021

- Luvkumar Kaushik, S/o Shri Kedarnath Kaushik, Aged about 18 years, R/o Village – Kuva, P.S. Takhatpur, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, P.S. Takhatpur, District Bilaspur (C.G.)

---- State/Respondent

For Applicant : Shri Sumesh Bajaj & Shri Umesh Verma,
Advocates

For Non-Applicant/State : Shri Vaibhav Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

25.03.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 11.12.2020 in connection with Crime No. 375/2020 registered in Police Station- Takhatpur, District Bilaspur (CG) for the offence punishable under Sections 354 (A) (C) & 355 read with Section 34 of IPC.
2. Prosecution case in brief is that on 11.12.2020 at about 09:00 am, younger sisters of the complainant/prosecutrix were taking bath in the open *badi* of their house and thereafter when the prosecutrix went there to have bath, she saw the applicant and co-accused Diwarkar Kaushik standing near the wall of the said *badi*. When the prosecutrix scolded them and asked to go away, applicant Luvkumar shown his male organ to her and told that he loves her. The prosecutrix objected to it on which the applicant and co-accused caught hold of her and beat her as a result of which she sustained injuries on her face, hands and legs. On this account, a written report was lodged against the applicant for offence as mentioned above.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He further

submits that the applicant is in jail since 11.12.2020, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, considering the detention period of the applicant who is 18 years old, he is the first offender, he has no criminal antecedent as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding, charge-sheet has already been filed, conclusion of the trial is likely to take some time and offence is triable by Magistrate, without expressing any opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of 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 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 the Bench.

Sd/-

(Gautam Chourdiya)
Judge