

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1806 of 2021

Zahir Khan S/o Zabbar Khan Aged About 25 Years R/o Village Girari. P.S. And
Tahsil Pendra, District - Gaurela-Pendra-Marwahi (Chhattisgarh), District :
Gaurela-Pendra-Marwahi, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer P.S. Pendra, District
Gaurela-Pendra-Marwahi (Chhattisgarh), District : Gaurela-Pendra-Marwahi,
Chhattisgarh

---- Respondent

For Applicant	:	Shri Achyut Tiwari, Advocate
For State	:	Shri Ishwar Jaiswal, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/08/2021

Heard.

1. The applicant is arrested in connection with Crime No.109/2020 registered in Police Station- Pendra, District- Gaurela-Pendra-Marwahi (CG) for alleged commission of offence under Sections 452, 354, 323 IPC, Section 8 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3 (2), 5 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that the applicant caught hold of the prosecutrix by wrist and pushed her against the wall, outraging her modesty.
3. Learned counsel for the applicant would submit that a false report has been lodged against the applicant on the pressure of the family members of the prosecutrix. He would submit that extent of criminal overt act as alleged against

the applicant cannot be said to be an act of outraging modesty because this was preceded by an expression of love by the applicant with the prosecutrix. It is also submitted that the applicant is in jail since 7.7.2020 and trial has not been concluded till date.

4. On the other hand, learned counsel for the State opposed the application and submits that statement of the prosecutrix shows that the applicant had come to the house of the prosecutrix while she was sitting in veranda and caught hold of her wrist and pushed her against the wall, only with intention to outrage her modesty.
5. Taking into consideration the submissions made by learned counsel for the parties, the circumstances alleging criminal overt act and also the extent of criminal act and that the applicant is in jail since 7.7.2020 and trial has not been concluded, I am inclined to allow the application.
6. The application is accordingly allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge