

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1545 of 2021**

- Balram, S/o Shri Vishnu, Aged About 22 Years, R/o Village Makarbandha, (Jangalpara) P. S. And Tahsil Ramanujnagar, District Surajpur Chhattisgarh

---- Applicant (In jail)**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Ramanujnagar, District Surajpur Chhattisgarh

---- Respondent

For Applicant	: Shri Surfraj Khan, Advocate
For Respondent/State	: Shri Vaibhav Singh, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

07.07.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.189 of 2020 registered at Police Station- Ramanujnagar, District Surajpur, Chhattisgarh for the offences punishable under Sections 354 and 354 (B) of the IPC.
2. Case of the prosecution, in brief, is that on 28.10.2020 at about 7 pm prosecutrix came out of her house and went towards the kitchen garden (बाड़ी) for washing utensils. At that relevant time, present applicant came there and dragged her to the garden and tried to outrage her modesty. When she screamed, her sister and husband came there and looking to that, present applicant ran away from the spot. The incident was reported to the concerned Police Station on the next day, based upon which present crime was registered against applicant.

3. Shri Surfraj Khan, learned counsel for the applicant would submit that false allegation has been made against the applicant, in fact, he has not committed any offence as alleged. He submits that there is discrepancy between contents of FIR and statement of complainant recorded under Section 164 CrPC, and by reading both these documents itself, it appears that story narrated by the prosecutrix is suspicious. He further submits that applicant is in jail since 30.10.2020 and charge-sheet has already been filed in this case. He prays that the applicant may be enlarged on bail.

4. Shri Vaibhav Singh, learned State counsel, opposes the submission made by learned counsel for the applicant. Upon putting a query with reference to the submission of discrepancy in FIR and statement under Section 164 of CrPC, he read over the contents of FIR and statement of complainant recorded under Section 164 of CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegation, entirety of facts and circumstances of the case, and pre-trial detention of applicant, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the Court below concerned on the condition that:

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

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma