

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1658 of 2021**

- Yogesh Giri Goswami S/o Shri Gambhir Giri Goswami Aged About 43 Years R/o 1371, Veer Savarkar Nagar Hirapur Tatibandh Tahsil And District Raipur Chhattisgarh Mobile 9713165108

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

- State Of Chhattisgarh Through Station House Officer Police Station Civil Lines Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri Vivek Sharma, Advocate on behalf of Shri Rajesh Tiwari, Advocate
For Respondent/State	: Shri Vaibhav Singh, Panel Lawyer

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

08.07.2021

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. 63 of 2021 registered at Police Station-Civil Lines, Raipur District Raipur, Chhattisgarh for the offences punishable under Sections 354 and 354B of IPC.
2. Case of the prosecution, in brief, is that on 05.02.2021, complainant went to Tiwari Clinic, Shankar Nagar, Raipur for giving her blood sample. Present applicant took her blood sample in the specified room, where he touched her private part, asking her that whether she is having any period pain. The incident was reported to concerned Police Station, based upon which the instant crime was registered.
3. Shri Vivek Sharma, learned counsel for the applicant would submit that applicant has not committed any such offence as alleged against him. Applicant is working as Lab Technician in the Clinic, where complainant has

come to give her blood sample. He further submits that there is no other criminal antecedent against present applicant. He is in jail since 05.02.2021, offences are triable by Judicial Magistrate First Class and it may take some time, hence the applicant may be enlarged on bail.

4. Shri Vaibhav Singh, learned State counsel opposing the submissions of learned counsel for the applicant, submits that complainant is working as Assistant Professor, the incident took place when she went to Tiwari Clinic to give her blood sample. Applicant took the complainant in cabin and there, he committed the offence. Learned counsel read over the contents of FIR in support of his submission.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegation, the fact that applicant is in jail since 05.02.2021 and the trial may take some time, and there is no criminal past of the applicant, without commenting 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 concerned Court 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