

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1702 of 2021**

- Shekhar Mistri S/o- Shri Sandeep Mistri Aged About 23 Years R/o- 11 Block, Near Meena Bhavan, Mana Camp, P.S.- Mana Camp, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through - P.S. - Mana Camp, Raipur, District - Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Shri Lalit Jangde, Dy.GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/06/2021**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.103/2020 registered at Police Station Mana Camp, Raipur for the offence punishable under Section 341, 354,323,34 of IPC. The applicant was arrested on 05/09/2020.
2. This is repeat bail application. Earlier bail application was dismissed on merits.
3. Case of the prosecution is that while the prosecutrix was going on road in her scooty, the applicant and other co-accused intercepted her, caught hold of her and also outraged her modesty when they found nothing with the prosecutrix that could be looted.
4. Learned counsel for the applicant would argue that earlier bail application of the applicant has been rejected by this Court on 06-11-2020, but, by now, the applicant is in jail since 05-09-2020, i.e. more than 9 months of pre-trial detention, but trial has not been concluded till date. It is next argued that another co-accused, who alleged to be accompanied the applicant in the alleged commission of offence and the allegation of similar nature against them, namely Janak Sahu and Ashish Pal have been granted bail by this Court in

M.Cr.C.No.796 of 2021 and M.Cr.C.No.6956 of 2020 and therefore, the applicant may also be granted bail with appropriate conditions.

5. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that apart from the nature of allegations, which have been levelled against the applicant in this case, other criminal cases are pending against him, which shows that the applicant is a habitual offender.

6. Even though, this Court asked, learned State counsel could not satisfy regarding cases registered against the applicant in relation to commission of offence of similar nature as in the present case.

7. Taking into consideration the totality of the circumstances and further that the investigation is complete, charge sheet has been filed and the applicant is in jail for more than nine months and the maximum punishment, which could be awarded for the alleged commission of offence and also that co-accused Janak Sahu and Ashish Pal have been granted bail by this Court, the application is allowed.

8. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge