

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3113 of 2021

- Sawan Das S/o Dayal Das, aged about 50 years, R/o Village Bandhatola, Tahsil Chuikhadan, Police Station Salhewara, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Station House Officer, Police Station – Salhewara, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant : Shri Abhishek Sharma, Advocate

For Non-Applicant/State : Shri Shrestha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.07.2021

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 09.04.2021 (wrongly mentioned as 11.01.2021 in the order-sheet) in connection with Crime No. 08/2021 registered in Police Station- Salhewara, District Rajnandgaon (CG) for the offence punishable under Section 354 of IPC.
3. Prosecution case is that the prosecutrix lodged a report in Police Station Salhewara alleging that on 09.04.2021 when she was going towards society Devpura along with her mother-in-law, at that time, the present applicant came there on his motorcycle and said the prosecutrix that he wants to keep her as wife. Thereafter, the applicant took her in his house where he caught hold of her hand with intention to outrage her modesty.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he has no criminal antecedents, he is languishing in jail since 09.04.2021 and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has no criminal antecedents.
6. I have heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, considering the detention period of the applicant who is 50 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
8. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on 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/her 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. he shall not involve himself in any offence of similar nature in future.
9. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge