

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4345 of 2021

Vishal Soni @ Golu Soni S/o Shri Lalan Soni Aged About 26 Years R/o
Namnakala, Near Power House, Ambikapur District Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Mahila Thana, Ambikapur District Surguja Chhattisgarh

---- Respondent

For Applicant	:	Mr. Amit Singh Chauhan, Advocate
For State	:	Ms. Ishwari Dhritlahre, Panel Lawyer

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

Order On Board

03/09/2021

Heard.

1. The applicant is arrested in connection with Crime No.41/2020 registered in Police Station- Mahila Thana, Ambikapur, District- Surguja (CG) for alleged commission of offence under Sections 341, 294, 354, 354 (D), 506 IPC.
2. This is the second bail application on behalf of the applicant. His earlier bail application was dismissed as withdrawn on 05.03.2021.
3. Case of the prosecution, in brief, is that while the prosecutrix was in the market with her mother, the applicant caught hold of her by her wrist and used filthy language.
4. Learned counsel for the applicant would submit that there is previous enmity between the parties and the applicant is being falsely implicated by the prosecutrix by exaggerating. Learned counsel for the applicant submits that except using abusive language and catching hold of her by wrist, no further overt

act is alleged against the applicant. It is submitted that the applicant was arrested on 26.10.2020 and thereafter, he remained in jail for almost six months before he was granted parole.

5. On the other hand, learned counsel for the State opposed the application and submits that statement of the prosecutrix makes out a prima facie case of commission of offence as alleged against the present applicant.
6. Taking into consideration the submissions made by learned counsel for the parties, considering the nature and extent of criminal overt act alleged against the applicant, period of pre-trial detention that the applicant has remained in jail for more than six months until he was granted parole, I am inclined to allow the application.
7. 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