

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4761 of 2021**

- Ngeshwar Ram, S/o Kharad Nath, aged about 28 Years, Caste Routiya, R/o Village Narayanbahli, Police Station Kansabel, District Jashpur, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Kansabel, District Jashpur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Arun Kumar Shukla, Advocate.
For State	Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****05.08.2021**

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.72/2021 registered at Police Station Kansabel, District Jashpur, C.G. for the offence punishable under Section 354(b) of Indian Penal Code.
3. As per the prosecution case, on 21.06.2021 at about 12:00 pm while the complainant was working in godown, at that time applicant came there and on the pretext of marriage, tried to outrage her modesty. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that no offence was committed by the applicant. Applicant is in custody since 21.06.2021, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, detention period of the applicant, who is 28 years old, charge sheet has already been filed, the fact that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed. 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 the 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 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.

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 offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh