

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5092 of 2021

- Kanhaiya Lal Dalal S/o Bajrang Lal, aged about 40 years, R/o Beedpara, Mastagali, Tahsil & District Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Station House Officer, Police Station – City Kotwali, Raigarh, District Raigarh (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Ashish Gupta, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

09.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 23.06.2021 in connection with Crime No. 803/2021 registered in Police Station- City Kotwali, Raigarh, District Raigarh (CG), for the offence punishable under Sections 354, 355 (D), 506, 507 of IPC.
2. Allegation against the present applicant is that on 21.06.2021 at about 06:30 pm near the Chandni Chowk Raigarh, the applicant with intention to outrage the modesty of the prosecutrix caught hold of her hand and trying to take her on his motorcycle.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 23.06.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.

5. Heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, considering the nature of allegation made against the present applicant, the detention period of the applicant who is 40 years old, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, and the fact that the applicant has no criminal antecedents, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsels, without expressing any opinion on merits of the case, the bail application is allowed.
7. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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.
8. 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