

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5124 of 2021

- Hemant Singh Marko, S/o Ratan Singh Marko, Aged About 24 Years, R/o Village Karseeva P.S. Marwahi, Tehsil Marwahi and District Gourela Pendra Marwahi, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Marwahi, District- Gourela-Pendra-Marwahi, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Avinash Chand Sahu, Advocate

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

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

04.08.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 07.03.2021 in connection with Crime No. 58/2021 registered at Police Station- Marwahi, District- Gourela-Pendra-Marwahi (C.G.) for the offence punishable under Section 294, 506, 354, 452 of IPC.
- 2) Case of the prosecution, in brief, is that on 07.03.2021 at 7 pm when the complainant was all alone at her home, at that time, the applicant entered the house of the complainant, with intent to outrage her modesty, forcibly caught hold of her arm, slammed her in bed, due to which her bangles broken and also the applicant threatened her. When the complainant screamed, Charan Singh & Amol Singh gathered outside the house of the complainant and seeing then, the applicant fled from her house.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant has no criminal antecedents, charge-sheet has already been filed, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 07.03.2021 and due to COVID-19 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.
- 5) Having heard learned counsel for the parties, nature of allegation made against the applicant, age of the complainant, the applicant is neighbour of the complainant, charge-sheet has already been filed, the detention period of the applicant, who is 24 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the 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 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

Nadim