

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5531 of 2021

- Umesh Kumar Meshram, S/o Mahasingh Meshram, Aged About 25 Years, Caste Mahar, R/o Village Biretara, Police Station Balod, District- Balod, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Police Station Balod, District- Balod, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Malay Shrivastava, Advocate

For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

26.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 10.07.2021 in connection with Crime No. 206/2021 registered at Police Station- Balod, District- Balod (C.G.) for the offence punishable under Sections 452, 354, 294 & 506 of IPC.
- 2) Allegation against the applicant is that he in intoxicated condition forcibly entered the house of the complainant/prosecutrix and with intent to outrage her modesty used criminal force against her. When she objected to it he abused her filthily and threatened to kill her.
- 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 only one criminal antecedent and he has already been granted bail by the Co-ordinate Bench of this Court vide order dated 04.11.2020 in MCRC No. 7012 of

2020, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 10.07.2021, charge-sheet has already been filed and due to COVID-19 trial is likely to take some time for 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 used criminal force against the prosecutrix with intention to outrage her modesty and also threatened her. He further submits that as per order-sheet of learned trial Court, applicant has one criminal antecedent under Sections of 366 (क), 376(घ), 506/34 of IPC & Sections 4, 5(घ)/6 of POCSO Act bearing Crime No. 249/2020.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, charge-sheet has already been filed, the detention period of the applicant, who is 25 years old and the fact that the applicant has already been granted bail by the Co-ordinate Bench of this Court in connection with Crime No. 249/2020, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel 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.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 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