

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6285 of 2021**

1. Vijay Yadav S/o Bhuru Yadav, Aged About 20 Years, R/o Chandan Talabpara, Kharsia, District Raigarh (C.G).

---- Applicant**Versus**

1. State Of Chhattisgarh, Through, Station House Officer, Police Station Kharsia, District Raigarh (C.G.) (Wrongly Mentioned P.S. Chowki Kharsia In Order)

---- Non-Applicant

For Applicant	:	Mr. Ram Sajiwan, Advocate appears on behalf of Mr. Wasim Miyan, Advocate.
For Non-Applicant/State	:	Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****20/09/2021**

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 19/07/2021 in connection with Crime No. 439/2021 registered at Police Station Kharsia, District Raigarh (C.G.) for the offence punishable under Sections 354, 354(A) & 456 of Indian Penal Code.
- 2) Allegation against the present applicant is that on 18/07/2021 about 07:00 PM, he entered the house of the prosecutrix and demanded money for consuming liquor from prosecutrix, on being refused by her, he caught hold of her hands and tried to outrage her modesty. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant.
- 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 been arrested on 19/07/2021. He submits that the charge sheet has already been filed, there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State as well as Objector opposes the bail application. However, he submits that the applicant has **01** criminal antecedent bearing Crime No. 198/2019 for the offence under Section 294, 506 & 323 of IPC, registered at Police Station Kharsia, District Raigarh (C.G.).
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 20 years old, charge sheet has already been filed, the offence is triable by Magistrate, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. 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 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,
 - 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 Govt./State Govt./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