

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6252 of 2021

- Paramatma Tiwari, S/o Dinanath Tiwari, Aged About 39 Years, R/o Samnapur Police Station Madura, District Chapra (Bihar). Present address: in front of Sai Dharmakata Kanhaira road police station Urla (revenue and civil) Raipur, chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Police Station Urla District Raipur (Revenue And Civil) Raipur, Chhattisgarh.

---- Non-Applicant

For Applicant	:	Shri Sumit Jhavar, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

29.11.2021

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 13.04.2020 in connection with Crime No. 136/2020, registered at Police Station- Urla, District- Raipur (C.G.) for the offence punishable under Sections 354, 506, 456 of IPC and Section 12 of POCSO Act (after filing of the charge-sheet charges u/s 451, 354, 506, 323 of IPC and Section 8 of POCSO Act has been framed).
- 2) Allegation against the applicant is that on 11.04.2020 entered the house of the prosecutrix, a deaf & dumb minor girl, below 16 years old, outraged her modesty and also assaulted minor brother & sister of the prosecutrix.
- 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, there is no likelihood of his tampering with the prosecution evidence or absconding. Charge-sheet has already been filed, the applicant is in jail since 13.04.2020 and 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 has no criminal antecedents.
- 5) As per memo dated 05.10.2021 received from Station House Officer, Police Station Urla, District- Raipur father of the prosecutrix has sold their house and all the family members have gone to some other place.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the applicant, the detention period of the applicant, who is 39 years old, charge-sheet has already been filed, 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 counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 7) 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