

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6373 of 2021**

- Shesh Yadav, S/o Late Jagatram Yadav, aged about 41 Years, R/o Ward No. 18, Tikrapara, Khairagarh Tehsil and P.S. Khairagarh, District Rajnandgaon, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through District Magistrate, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicant Shri Abhishek Pandey, Advocate.

For State Shri Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

21/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.40/2021 registered at Police Station Khairagarh, District Rajnandgaon, C.G. for the offence punishable under Sections 341, 323, 506 & 354 of Indian Penal Code.
2. As per the prosecution case, prosecutrix, aged about 24 years, lodged a written complaint at police station to the effect that on 26.01.2021 at about 8:00 am present applicant stopped her and caught hold of her hands and when she resisted, applicant slapped her due to which she fell on the ground.
3. Learned counsel for the applicant submits that applicant is an innocent

person and has been falsely implicated in this case. He submits that there is no direct proof of applicant's involvement in the alleged crime. Applicant was arrested on 10.07.2021 and thereafter released on interim bail and due to COVID 19-pandemic conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation made against the applicant, the detention period of the applicant, who is 41 years old, charge sheet has been filed, the fact that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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, 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh