

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7047 of 2021

1. Khemchand Janghel S/o Deenaram, Aged About 27 Years, R/o Village Garra, Police Station Chhuikhadan, District Rajnandgaon (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon (C.G.).

---- Non-Applicant

For Applicant	: Mr. Abhishek Sharma, Advocate.
For Respondent/State	: Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

28/10/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as he is arrested on 24/08/2021 in connection with Crime No. 144/2021 registered at Police Station Chhuikhadan, District Rajnandgaon (C.G.) for the offence under Sections 456, 294, 506, 354(A) & 354(A)(1)(ii) of the Indian Penal Code.
- 2) As per the prosecution case, the applicant who is relative of the prosecutrix and resident of the same village, used to have talk with the prosecutrix over telephone for the last 6 months where he used to talk in an obscene manner. Thereafter, the applicant started blackmailing the prosecutrix saying that he has recorded the conversation between them and pressurized her for having physical relation with him. On 20/06/2021 at 11:00 PM the applicant stealthily entered the house of the prosecutrix and having caught hold of her hand, tried to outrage her modesty. On hue and cry being raised by the prosecutrix, her husband and other family members came to her rescue, upon

which the applicant fled from there. Next day the applicant came to the house of the prosecutrix in drunken condition, started abusing her filthily and threatened her of life. On written report being lodged to the above effect, 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 submits that the applicant is in jail since 24/08/2021, charge-sheet has already been filed. He submits that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of the 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. She submits that the applicant has no criminal antecedents.
- 5) I have heard learned Counsel for the parties
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 27 years old, charge sheet has already been filed, the fact that the applicant has no criminal antecedents and 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, the application is **allowed**. 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/- 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**

Chandrakant