

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7123 of 2021**

- Hemant @ Muku Dhrithlahare S/o Late Baldu Dhrithlahare Aged About 38 Years R/o Village Choubeybandha, Police Station Rajim, District Gariyaband, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through: The Station House Officer, Police Station Rajim, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Adv.
For Respondent/State	:	Mr. Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/10/2021**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 204/2021 registered at Police Station-Rajim, District - Gariyaband (C.G.) for the offence punishable under Sections 454 and 354 of the IPC.
2. The prosecution story, in brief is that, complainant /prosecutrix lodged a written report to the effect that on 18.08.2021 at about 10:00 am, when she was in her house and cooking food, the accused entered her house caught hold her and tried to outrage her modesty. It is further alleged that the applicant touched her breast, thereafter, he ran away from the spot. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in

question. He further submits that the essential ingredient of the said offence is not established by the prosecution against the present applicant. The applicant is in jail since 18.08.2021, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the applicant committed a serious offence; therefore, he may not be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the applicant is in jail since 18.08.2021 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**