

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7443 of 2021**

Vinod Kumar Singh, S/o Raja Ram Singh, aged about 51 years, R/o Block No. 07/E, 76 ACC Colony, Thana Jamul, Bhilai, Tahsil & District Durg (C.G.)

---- Applicant/Accused

Versus

State of Chhattisgarh, Through : The P.S. Jamul Bhilai, District Durg (C.G.)

----Non-applicant

For Applicant : Mr. Uttam Pandey, Advocate.
For Non-applicant : Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board

12.11.2021

(1) The applicant/accused has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 221/2021 registered at police Station Jamul, Bhilai, District Durg for commission of offence punishable under Sections 454 & 354 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant, who is said to be posted as Driver in ACC Cement Factory, Jamul, had given assurance to complainant – Anuradha Jagat for providing job in ACC Factory, Jamul. On 11.6.2021, on being called by applicant, complainant, who is lady, went to his house, then applicant closed the doors of his house from inside, assaulted her and outraged her modesty, also touched her private part, pulled her clothes and thereby molested her by the applicant. Hence, on being complaint filed by complainant, FIR under Section 454 & 354 of IPC was lodged against the applicant at Police Station

Jamul, District Durg. After completion of investigation, charge sheet under Sections 454 & 354 of the IPC was filed against the applicant.

(3) Counsel for the applicant would submit that applicant has been falsely implicated in the crime in question as he has not committed the alleged crime. Actually the fact is that there were cordial relation between family members of the applicant and the complainant and they used to go to family of each other and sometimes, the applicant also helped by giving money as per the need of the complainant. He would also submit that when wife of applicant died due to corona virus, the applicant went to the house of complainant for returning his money, then he was brutally beaten by family members of the complainant and, thereafter, she had lodged false & frivolous report against the applicant. He would next submit that applicant is in custody since 11.8.2021; charge-sheet has already been filed and the offences registered against the applicant are triable by Judicial Magistrate, First Class and conclusion of the trial will likely to take long time, therefore, the applicant may be enlarged on regular bail.

(4) Per contra, learned counsel for the State while opposing the submissions made by counsel for the applicant would submit that the manner in which the applicant has assaulted upon the complainant with intention to outrage her modesty, the applicant is not entitled to be released on regular bail.

(5) Considered the submissions made by counsel for the parties and perused the case diary as well as material available on record.

(6) Considering the facts & circumstances of the case, nature & gravity of the offence, detention period of the applicant; also taking into consideration the fact that charge-sheet has already been filed and the applicant is said to be resident of Village Jamul, District Durg, hence, there is no chance to influence the witnesses by him or absconding the applicant and the offences registered against the applicant are triable by Judicial Magistrate, First Class; I am of the view that it is a fit case to release the applicant on bail. Accordingly, the bail 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 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 till disposal of the trial.

Sd/-
(N.K. Chandravanshi)
Judge

D/-

