

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7677 of 2021

- Pramod Kurre, S/o Omprakash Kurre, Aged About 32 Years, Caste - Satnami, R/o Ghoghranala, Champa, Police Station and Tahsil - Champa, District - Janjgir - Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Champa, District - Janjgir - Champa, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. U. S. Chandel, Advocate
Ms. Shivali Dubey, PL

Hon'ble Justice Shri Parth Prateem Sahu

Order On Board

02/12/2021

1. Applicant has filed this first bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.252/2021, registered at Police Station Champa, District Janjgir-Champa (C.G.) for the offence punishable under Sections 452, 354, 294, 506 & 323/34 of IPC.
2. Case of prosecution is that on 11.09.2021 at about 6 pm, Rajendra Patel called Anurag Ratre, brother of complainant, took him to nearby place and started assaulting him along with present applicant. When complainant went to intervene, she was also assaulted and tried to outrage her modesty. Thereafter applicant along with co-accused Rajendra Patel went away. After some time, they again came to the house of complainant, entered into the

house and abused them in filthy language and again misbehaved and tried to outrage the modesty of complainant. The incident was reported to the concerned police station, based upon which aforementioned crime was registered, applicant along with Rajendra Patel was arrested on 14.09.2021.

3. Mr. Chandel, learned counsel for the applicant, would submit that applicant has been falsely implicated. Infact applicant, who was present on the spot where dispute between Anurag Ratre (brother of complainant) and co-accused Rajendra Patel was going on, went there to intervene. There is no specific allegation against applicant of outraging modesty of complainant. Allegations levelled are omnibus and general. He would further submit that co-accused Rajendra Patel, with whom dispute and quarrel of brother of complainant has been alleged, was enlarged on bail by the Coordinate Bench of this Court in MCRC No.7777/2021 vide order dated 25.10.2021, hence applicant may also be enlarged on regular bail.
4. Ms. Dubey, learned State counsel, would oppose the submission of learned counsel for the applicant and would submit that there are specific allegations of assault and outraging the modesty, one at the time of quarrel with brother of complainant and thereafter again when both the accused persons along with others came to the house of complainant and misbehaved and tried to outrage the modesty of complainant. There are two criminal antecedents of the applicant of the year 2011 and 2017. However, to answer the query with regard to specific allegation against applicant, learned State counsel read over the contents of FIR and statement under Section 161 of CrPC.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegation, the fact that other co-accused Rajendra Patel, against whom there is allegation of quarrel with Anurag Ratre (brother of complainant), was enlarged on bail, applicant is in jail since 14.09.2021, without commenting anything on the merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon his furnishing a personal bail bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Trial Court on the conditions that:-
 - (a) The applicant shall appear before the Trial Court regularly on each and every date unless exempted from appearance.
 - (b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - (c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
Parth Prateem Sahu
Judge