

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8640 of 2020**

- Lalbabu, S/o Vijay Prasad, Aged About 36 Years, R/o Village Navgayi, Police Station- Chandani, Tahsil Odagi District-Surajpur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Chandani (Biharpur), District Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sushil Dubey, Adv.
For Respondent/State	: Mr. Samir Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26.03.2021**

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. 36/2020 registered at Police Station- Chandani (Biharpur), District Surajpur, (C.G.) for the offence punishable under Sections 354, 294, 506 and 323 of IPC.
2. The prosecution story, in brief is that, on 06.10.2020 when prosecutrix was cutting sesame grass on field with other labourers, at around 4:30 PM, applicant came there and tried to outrage her modesty and started abusing her in filthy languages and threatened her. He also assaulted her father-in-law and prosecutrix. Thereafter, 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 prosecutrix is a major lady and the offence is triable by Judicial Magistrate First Case. He next

added that charge-sheet has been filed and the applicant is in jail since 12.10.2020 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 the submission made in this respect. It is submitted that applicant is a habitual offender, therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that prosecutrix is a major lady and the offence is triable by Judicial Magistrate First Case and the applicant is in jail since 12.10.2020 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**

Ruchi