

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8820 of 2020

1. Neelkanth Kaiwartya, S/o Laxman, Aged About 35 Years, R/o Village Lutra, Police Station Seepat, District Bilaspur (C.G.).

---- Applicant

Versus

1. State of Chhattisgarh, Through - Station House Officer, Police Station Seepat, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Shri Vishambhar Prasad Kaushik, Advocate.
For Respondent/State	:	Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

06/01/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 14/10/2020 in connection with Crime No. 461/2020 registered at Police Station Seepat, District Bilaspur (C.G.) for the offence under Sections 354 of IPC.
- 2) Allegation against the applicant is that on 12/11/2020 at about 05 PM when the prosecutrix was standing in the lane in front of her house, the applicant with intent to outrage her modesty came there, caught hold of her hands and tried to remove the Saree of the prosecutrix. It is alleged that the applicant had also committed such act 4-5 times before this incident. On report being lodged to the above effect, offence under the aforesaid section has been registered against the applicant.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the story put forth by the prosecution is highly improbable. The applicant is in jail since 14/10/2020, he has no

criminal antecedents and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that applicant has no criminal antecedents as admitted by both the counsel, the age of the applicant, he is in jail since 14/10/2020, the offence is triable by Magistrate, charge sheet has already been filed and fact that the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with **two** sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail. 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.
- 7) It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stands cancelled without further reference to the Bench.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant