

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8730 of 2021

Krishna Bairagi S/o Kanshiram Bairagi Aged About 30 Years R/o Berai, Police Station Dindouri, District : Dindori *, Madhya Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Urla, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate
For Respondent – State	:	Smt. Smita Jha, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

16.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.337/2021 registered at Police Station Urla, District – Raipur (CG) for the offence punishable under Sections 454, 354 and 506 of the IPC.
2. As per the prosecution case, on 16.09.2021 the applicant entered into the house of the prosecutrix with intention to outrage her modesty and when she cried for help, he ran away. Thereafter, she informed about the incident to her parents and other person, on the basis of which report has been lodged against the applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and he is falsely implicated in the present case. He further submits that the prosecutrix has no objection in granting bail to the applicant and in support

of her contention she has given an affidavit before the lower Court. The applicant is in jail since 20.09.2021, the trial is likely to take some time, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering that the prosecutrix herself has given an affidavit that she has no objection in granting bail to the applicant and that the offence is triable by JMFC and further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.5,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions :-
 - (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge