

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9337 of 2020

- Sanjay Kushwaha S/o Shrawan Kushwaha Aged About 37 Years R/o Jhingo, Police Station- Rajpur, District- Balrampur-Ramanujganj (C.G.), District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Rajpur, District- Balrampur-Ramanujganj (C.G.), District : Balrampur, Chhattisgarh

--Non-Applicant

For Applicant	: Shri Jitendra Shrivastava, Advocate
For Non-Applicant/State	: Shri Ajay Kumrani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 17.11.2020 in connection with Crime No.229/2020, registered at Police Station- Rajpur District Balrampur-Ramanujganj(C.G.) for the offence punishable under Sections 354, 452, 294, 323 of the IPC.
2. Case of the prosecution is that on 16.11.2020, when the prosecutrix was alone in the house, the applicant came there and demanded liquor from her and when she told that there is no liquor, he tried to outrage the modesty of the prosecutrix. Based on this, an offence has been registered against the applicant and he was arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the applicant and the prosecutrix are well to each other and the prosecutrix was selling liquor, therefore the applicant had gone and demanded liquor from her. He submits that the applicant is in jail since

17.11.2020; charge sheet has been filed and conclusion of trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
5. Considering the facts and circumstances of the case, in particular, the nature of allegations against the applicant; the detention period and the offence is triable by Magistrate and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the 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 on 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/
(Gautam Chourdiya)
Judge