

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8582 of 2021**

- Rakhiram Yadav Son of Banshilal Yadav, aged about 31 years, R/o. Saraisingar, Chowki Hardibazar, District Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : The Station House Officer, Police of Police Chowki Hardibazar, P.S. Kusmunda, District Korba (C.G.)

---- State/Respondent

For Applicant	:	Shri Vijay Kumar Sahu, Advocate
For Respondent/State	:	Ms. Deepti Shukla, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****16.12.2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 09.09.2021 in connection with Crime No. 436/2021 registered in Police Chowki Hardibazar, P.S. Kusmunda, District Korba (C.G.), for the offence punishable under Sections 452 & 354 of IPC.
2. Prosecution case is that the prosecutrix lodged a report in Police Chowki Hardibazar alleging that on 09.09.2021 at about 01:00 pm when she was alone in her house, the applicant entered her house, caught hold of her, and tried to outrage her modesty. When she shouted, the applicant ran away from there.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 09.09.2021, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
5. Heard learned counsel for the parties.

6. Having regard to the facts and circumstances of the case, considering the nature of allegation made against the applicant, the detention period of the applicant who is 31 years old, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the bail application is allowed.
7. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on following conditions :-
- i. 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/her from disclosing such fact to the Court.
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - iv. he shall not involve himself in any offence of similar nature in future.
8. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar nature of offence.

Sd/-

(Gautam Chourdiya)
Judge