

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 186 of 2021

1. Sunil Kumar Sharma S/o Ambika Prasad Sharma, Aged About 62 Years R/o. Quarter No. 7, C, Sadak No. 11, Sector-01, Bhilai, District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Of Police Station Bhilai Bhatthi, District Durg (C.G.).

---- Non-Applicant

For Applicant	:	Mr. T.K. Jha, Advocate.
For Non-Applicant/State	:	Ms. Smriti Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/02/2021

- 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 26/11/2020 in connection with Crime No. 170/2020 registered at Police Station Bhilai Bhatthi, District Durg (C.G.) for the offence under Sections 354 & 506 of IPC.
- 2) Case of the prosecution in brief is that the applicant, father-in-law of the prosecutrix, was compelling the prosecutrix for sexual favour many times and tried to outrage her modesty. On report being lodged to the above effect, offence 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 further submits that the applicant is in jail since 26/11/2020, charge sheet has already been filed 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 age of the applicant, the detention period of the applicant, the offence is triable by Judicial Magistrate First Class, charge sheet has been filed, and the fact that the applicant has no criminal antecedent as admitted by both the counsel, there is no apprehension of the applicant tampering with the evidence or absconding and 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 on the 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 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

-Sd/-
(Gautam Chourdiya)
Judge