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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 558 of 2021

- Sonu Gond S/o Shri Raju Gond Aged About 28 Years R/o Prabhat Chowk, Lingiyadih, Police Station Sarkanda, Bilaspur, Tahsil And District Bilaspur (Chhattisgarh). **---- Applicant**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sarkanda, District Bilaspur (Chhattisgarh).

---- Non-Applicant/State

For Applicant	:	Shri Rajeev Kumar Dubey, Advocate
For Non-Applicant/State	:	Shri Amit Singh, P.L.
For complainant	:	Shri Jay Prakash Khunte, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

28.01.2021

1. Heard on admission.

2. The application is admitted for hearing.

3. With the consent of the parties, the matter is heard finally.

4. 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 20.11.2020 in connection with Crime No. 1075/2020, at Police Station- Sarkanda , District-Bilaspur (C.G.) for the offence punishable under Section 354 of Indian Penal Code.

5. Case of the prosecution in brief is that the prosecutrix is a married lady having a child aged about six months. Her husband used to remain out of the home in connection with his work of driving. The allegation against the applicant, who is brother in law (*jeth*) of the prosecutrix is that he having taken the advantage of the prosecutrix being alone in the home used to make indecent advancement towards her and try to outrage her

modesty.

6. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits that prosecutrix is sister in law of the applicant (*Bahu*), due to property dispute the prosecutrix lodged a false report against the applicant, as the applicant is in jail since 20.11.2020, applicant has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

7. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.

8. Learned counsel for the complainant/prosecutrix submits that prosecutrix has no objection to grant of bail to the applicant.

9. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, age of the prosecutrix, prosecutrix has raised no objection to grant of bail to the applicant, detention period of the applicant and the fact that the applicant has no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the application is allowed. 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

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 offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim