

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 611 of 2021

Virendra Mahant S/o – Laxmi Das Mahant Aged About 26 Years R/o – Sindhi Colony, Ganj, Kharsiya, Tahsil Kharsiya, District Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Outpost Kharsiya, Police Station - Khahrsiya, District Raigarh Chhattisgarh **---- Respondent**

For Applicant	:	Shri N.K. Malviya, Advocate
For Respondent/State	:	Smt. Fouzia Mirza, Additional A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/04/2021

Heard.

1. This is repeat application for grant of bail filed by the applicant.
2. The applicant has been arrested in connection with Crime No.379 of 2020 registered at Police Station- Kharsiya, Raigarh, District Raigarh (CG) for the alleged commission of offence under Section 294, 354, 452, 506, 34 of IPC.
3. Learned counsel for the applicant would argue that even if the entire allegation as contained in the FIR and the case diary statement are taken as it is, it is not a case where there were any intention on the part of the applicant to outrage the modesty of the prosecutrix but the dispute was mainly with the brother of the prosecutrix and when the applicant and co-accused are alleged to have entered the house, the prosecutrix is said to be present there and there was some scuffle without any intention to outrage modesty. It is submitted that investigation is complete, charge-sheet has been filed and that the applicant is in jail since 29.07.2020, therefore, at this stage, considering the maximum sentence which could be awarded for the alleged commission of offence, the applicant may be granted bail.
4. On the other hand, learned State counsel opposes the bail application and submits that from the statement of the prosecutrix, it is prima facie made out

that the applicant and co-accused entered the house of the prosecutrix and they not only entered into fight with the brother of the prosecutrix, abused and threatened them but the present applicant Virendra Mahant torn her clothes and threatened to commit rape on her. It is also submitted that present applicant is a person of criminal antecedent and against him as many as 7 criminal cases including one case of commission of offence under Section 354 of IPC has been registered.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the report and the statement of the prosecutrix and the manner in which incident happened, the extent to which the applicant is alleged to have committed criminal overtact and further taking into consideration the period of pre-trial detention and maximum sentence which could be awarded for alleged commission of offence, at this stage, I am inclined to grant bail to the applicant. Accordingly, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial
 - (iii) If the applicant is found involved in similar offences in future, either against the present prosecutrix and her family or against any other person, bail granted to the applicant would be liable to be cancelled on application for cancellation of bail that may be filed by the State or complainant/prosecutrix.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge