

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4883 of 2017**

Gopal Kumar Patel S/o Bhagirathi Patel, Aged About 27 Years Caste
Marar, R/o Village Shuklakhar, Tahsil Katghora, District Korba, CG

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Bankimogra, District Korba, Chhattisgarh

---- Respondent

For applicant	Mr. Ram Kumar Tiwari, Adv.
For Respondent/State	Mr. Suryakant Tiwari, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****3-11-2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. Perused the copy of the case diary produced by counsel for the State in connection with Crime No. 50/2017 registered in police station Bankimogra, Distt. Korba (CG) for offence punishable under Section 354(B) of the IPC and Section 8 of the Protection of Children from Sexual Offences Act and also heard counsel for the parties.
3. Prosecution story in brief is that the prosecutrix is near about 16 years old and the resident of village Bankimogra. On 12-4-2017, she and her brother-in-law (sister's husband) were returning on motorcycle after enjoying Mela. At 8 pm on the way, applicant took his motorcycle towards forest and tried to outrage her modesty.
4. The applicant is in custody since 17-4-2017.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
6. On the other hand, the Panel Lawyer appearing for the State opposed

the bail application.

7. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody since 17-4-2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties of Rs. 15,000/- each along with one personal bond of Rs. 30,000/- to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.

8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge