

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7505 of 2017**

- Aakash Kujur, s/o Mahesh Kujur, aged about 20 years, Caste- Oran, r/o Village Chandarpur (Kothari), Police Chowki - Kandgawan Kalan, Police Station- Pratappur, District Surajpur (CG)

---- Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station: Pratappur, District Surajpur Chhattisgarh.

----Non-applicant

For Applicant : Shri Arun Kumar Shukla, Advocate
 For Non-applicant/ State: Shri RN Pusty, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****15.12.2017**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No. 167 of 2017 registered at Police Station Pratappur, district Surajpur (C.G.) for the offences punishable under Sections 294, 354 and 455 of the Indian Penal Code and also heard the learned counsel for the parties.
3. Case of the prosecution, in brief, is that on 07.09.2017 at about 1 pm, the prosecutrix was cooking food in her house at village Chandarpur. At that time, the applicant entered her house, found that she was alone and tried to outrage her modesty and abused

her in filthy language.

4. Learned counsel for the applicant submits that he is innocent and has been falsely implicated in the case. He further submits that charge-sheet has already been filed against the applicant and he is in custody since 09.11.2017, hence, he shall be released on bail.
5. On the other hand, the learned counsel for the State opposes the bail application.
6. Having regard to the above facts and circumstances of the case, also looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; keeping in view that the trial will take its own time; and the applicant is in custody since 09.11.2017, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.15,000/- along with a personal bond in the like sum to the satisfaction of the JMFC Pratappur with the condition that he will appear before the concerned Court as and when directed by the said Court, he be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge