

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7512 of 2017**

Sonu @ Manmohan Kashyap S/o Pradip Kashyap Aged About 32  
Years R/o Nagar Panchayat Pratappur, Ward No. 4, Police Station &  
Tahsil Pratappur, District Surajpur Chhattisgarh

---- Applicant

**Versus**

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

---- Respondent

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| For applicant        | Mr. V.K. Pandey, Adv.   |
| For Respondent/State | Mr. UNS Deo, Govt. Adv. |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****15-12-2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his 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. 174/2017 registered in police station Pratappur, Distt. Surajpur (CG) for offence punishable under Section 354, 354-A, 394 and 506 of the Indian Penal Code, 1860 and also heard counsel for the parties.
3. Prosecution story in brief is that on 13-9-2017, prosecutrix went to appear in the examination at C.V. Raman Isect Computer Centre, Pratappur Kadampara, and from there she along with her friends Haidar and Kamlesh went near Dharamshala. In the meantime, the applicant reached there and tried to outrage the modesty of the prosecutrix and also committed a loot of a mobile phone from Kamlesh and gave threat to kill.
4. The applicant is in custody since 14-9-2017.
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 State counsel 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 14-9-2017, 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 one solvent surety for a sum of Rs. 15,000/- along with one personal bond of the like sum to the satisfaction of the JMFC, Surajpur/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**