

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 10 of 2018**

Sonu Singh (Bihari) @ Govind Singh S/o Ram Bahadur, Aged About 22 Years R/o Daihanpara Balko Nagar Korba, Thana Balko Nagar, Korba District Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate Korba, Police Station Balko Nagar, District Korba Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vikas Pandey, Advocate
For the Non-applicant	:	Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/03/2018**

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 the Crime No. 316/2017 registered at Police Station Balko Nagar, District Korba (C.G.) for the offence punishable under Sections 294, 509 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offence Act, 2012.
3. Case of the prosecution, in brief is that the date of birth of the prosecutrix is 13/07/2003. She is resident of Kailash Nagar, P.S. Balko Nagar, District Korba (C.G.) on 04/12/2017, applicant teased the prosecutrix and whistle. Prosecutrix given the written application to Police Station, Balco on strength of which FIR was lodged against

the applicant on 08/12/2017.

4. Learned counsel for the applicant argued that the applicant is in custody in the month of December 2017, thus he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances of the case that the applicant is in jail since in the month December, 2017 and looking to the fact that the trial should take its own time and challan has already been filed, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.10,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he will appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge