

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1814 of 2018**

Shivlal Pudo S/o Dharam Singh, Aged About 28 Years, By Caste Godh R/o Village Pidchod, P. S. Lohatar, Tahsil Durgkondal, Distt. Uttar Bastar Kanker Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer P. S. Lohattar, Distt. Kanker Chhattisgarh.

---- Respondent

For the Applicant	:	Smt. Indira Tripathi, Advocate
For the State	:	Shri UNS Deo, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/04/2018**

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. 01/2018 registered at Police Station Lohattar, District Kanker (C.G.) for the offence punishable under Sections 354, 376/511 of Indian Penal Code and Section 8 of the Protection of Children from Sexual Offence Act, 2012.
3. Case of the prosecution, in brief is that prosecutrix is near about 16 years old and resident of village Amaguhan. On 20/01/2018 near about 10.30 a.m. she had get the lift in the Scooty of the appellant. On the way near the temple in Sonadai forest, appellant stopped the vehicle Scooty and kissed her lips, pressed her breast and pulled her

jeans.

4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case and the applicant is in jail since 24/01/2018, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, that the applicant is in jail since 24/01/2018, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall 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.

Sd/-

(Sharad Kumar Gupta)
Judge