

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2401 of 2018**

Ajay Kenwat S/o Shiv Kenwat Aged About 19 Years R/o- Village-
Udantal, Police Station- Bilha, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Its Police Station- Bilha, Civil
And Revenue District- Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ravi Maheshwari, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30/04/2018**

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. 05/2018 registered at Police Station Bilha, District Bilaspur (C.G.) for the offence punishable under Sections 451, 354, 294, 324, 506-B of Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act, 2012 & 3(i)(B-i) (B-ii), 3(2) (va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. Case of the prosecution, in brief is that on 06/01/2018 near about 2.30 p.m. applicant entered in the house of the prosecutrix and tried to outrage her modesty. When the prosecutrix resisted, appellant caused the injury in her wrist of right hand by knife. The prosecutrix is aged about 17 years old and the injury of the prosecutrix were found

simple in nature.

4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case and the applicant is in jail since 06/01/2018, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. The offences are triable by Judicial Magistrate, 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 applicants is in jail since 06/01/2018, 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. 20,000/- 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge