

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2576 of 2018

Santram S/o Chainram Gond Aged About 25 Years R/o- Village-Doukidah, P.S.- Mungeli, Tahsil- Mungeli, District- Mungeli, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through- Station House Officer, P.S.-City Kotwali, Mungeli, District- Mungeli, Chhattisgarh

---- Respondent

For Applicant	: Shri Akhtar Hussain, Advocate
For State	: Shri Ravindra Agrawal, Govt. Advocate

Hon'ble Shri Sharad Kumar Gupta, Judge

Order On Board

12/06/2018

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.150/2018 registered at Police Station City Kotwali, District Mungeli (C.G.) for the offence punishable under Sections 452, 354, 506, 323 and 457 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 23/03/2018 prosecutrix aged about 35 years was lying on the cot in her house, at about 8 p.m., the applicant came in her house and tried to outrage her modesty. He also pressed her breasts.
4. Learned counsel for the applicant submits that he is an innocent person and has been falsely implicated in the present case and the

applicant is in jail since 24/03/2018, offences are triable by the Judicial Magistrate First Class and the charge-sheet has already been filed, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. However, submits that there is no previous criminal antecedents against the application.
6. Looking to the facts and circumstances of the case and also 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 24.03.2018, 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)
Vacation Judge