

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3777 of 2018

- Keshriram Rajwade S/o Fulsay Rajwade, Aged About 41 Years R/o Barhol, Police Station Ramanujnagar, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Ramanujnagar, District Surajpur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Anil Gulati, Advocate.

For Non-applicant : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03.07.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No.27/2018 registered at Police Station – Ramanujnagar, District – Surajpur (C.G.) for the offence punishable under Sections 354 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that the prosecutrix is a minor, near about 12 years old and resident of village – Barhol. On 10.02.2018 in the night at 2:00 am when the prosecutrix was sweeping the courtyard

at her uncle's house, then the applicant reached there and taken away her saying that her father is calling. Then, the applicant dragged her by pressing her mouth with an intention to breach her modesty.

4. The applicant is in custody since 13.02.2018.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to these 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, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.15,000/- each along with a personal bond of Rs. 30,000/-, then 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE