

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3749 of 2018**

Muklesh Yadav S/o Nanhu Yadav Aged About 30 Years R/o-
Village- Kumharpara, Mahaveerganj, Police Chowki- Vijaynagar,
Police Station And Tahsil Ramanujganj, District- Balrampur-
Ramanujganj, CG

---- Applicant

Versus

State of Chhattisgarh through- Police Chowki Vijaynagar, Police
Station- Ramanujganj, District- Balrampur-Ramanujganj, CG

---- Respondent

For applicant	Mr. Vikash Pandey, Adv.
For Respondent/State	Mr. Dheeraj Vankhede, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27-6-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. Perused the case diary.
3. The applicant has been arrested in connection with Crime No. 32/2018 registered in Police Chowki Vijaynagar, police station Ramanujganj for offence punishable under Sections 354, 354(B), 457 of the IPC.
4. Prosecution story in brief is that the prosecutrix is aged about 30 years and resident of village Mahavir Ganj, Kumhar Tola. On 1-4-2018 at 9.40 pm when husband of the prosecutrix had gone to outdoor, the applicant entered into her house and used criminal force to outrage her modesty.
5. Looking to the facts and circumstances of the case, looking to the facts that the prosecutrix has turned down in the trial Court, the case is triable by JMFC, the applicant is in jail since 12-4-2018, there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is

inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 15,000/- along with one personal bond of the like amount to the satisfaction of the Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.

6. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge