

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3754 of 2018

- Lilesh Kumar Dewangan S/o Lakhanlal Dewangan Aged About 25 Years
Caste- Koshta, R/o- Village- Baklitola, Police Station- Doundilohara,
District- Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station-
Doundilohara, District- Balod, Chhattisgarh.

---- Non-applicant

For Applicant : Shri B.P. Singh, Advocate.

For Non-applicant : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

05.07.2018

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. 61/2018 registered at Police Station – Doundilohara District - Balod (C.G.) for the offence punishable under Sections 451, 354, 354(d) and 323 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the prosecutrix is near about 19 years old. When she used to go to college and tuition, the applicant was following her. On 17.03.2018, when the prosecutrix was in her house, the applicant entered into the house and used criminal

force against her with an intention to breach her modesty.

4. The applicant is in custody since 20.03.2018.

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, however she submits that there is no antecedent against the applicant.

7. Looking to these facts and circumstances of the case, looking to the fact that the case is triable by the Judicial Magistrate First Class, the applicant is in custody since 20.03.2018, charge sheet has been filed, there is no antecedent against him, 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 one solvent surety for a sum of Rs.15,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court 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