

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5211 of 2018**

- Khilesh Dewangan S/o Chandrashekhar Dewangan Aged About 18 Years R/o Paragao, P. S. Gobra Navapara, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Gobra Navapara, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Devershi Thakur, Advocate.

For Non-applicant : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.08.2018**

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. 105/2018 registered at Police Station – Gobra Navapara, District - Raipur (C.G.) for the offence punishable under Sections 384, 34 of the Indian Penal Code, 67-A, B of the IT Act and Sections 14 and 15 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that the prosecutrix is near about 17 years old. She is resident of village Brahmanpara, district – Raipur. Co-accused Ayush had taken her obscene photographs.

Co-accused Ayush had sent the said photographs to the mobile of the applicant. Applicant had sent the said photographs to Abhishek. After sometime, Rs. 10,00,000/- was demanded from her father.

4. The applicant is in custody since 21.04.2018.
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, submits that there is no antecedent against the applicant.
7. As per the statements recorded u/s 164 Cr.P.C. of the prosecutrix, no role of the applicant has been described.
8. 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, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- 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.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE