

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5170 of 2018**

Sanjay Lal S/o Ramdayal, Aged About 19 Years, R/o Block No. 06, Qtr. No. 9, Jawahar Nagar, Atal Awas, Jamul, Police Station Jamul, District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Jamul, District Durg Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sudhir Verma, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**20/08/2018**

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. 238/2018 registered at Police Station Jamul, District Durg (C.G.) for the offence punishable under Sections 452, 354/34 of IPC and Section 8 of Protection of Children from Sexual Offence Act.
3. Case of the prosecution, in brief is that the prosecutrix is near about 13 years old and resident of Jawahar Nagar Jamul, District Durg. On 19/05/2018 near about 7 p.m. when the prosecutrix was alone in the house, applicant, co-accused Rameshwar and Anis entered in her house, they kissed her and pressed her breast.
4. Learned counsel for the applicant submits that applicant is innocent

and falsely implicated in the present case, charge-sheet has been filed and the applicant is in custody since 22/05/2018, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence and the trial will take its own time, applicant is in jail since 22/05/2018, 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. 25,000/- 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)
Judge