NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5295 of 2018

Vinod Kumar S/o Baburao, Aged About 28 Years R/o Hansavaran Police Station Tuni, District Gaodawari (A.P.) Present Address Nova Plant Dagori, Police Station Bilha, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Bilha, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Dharmesh Shrivastava, Advocate
For the State	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

21/08/2018

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. 162/2018 registered at Police Station Bilha, District Bilaspur (C.G.) for the offence punishable under Sections 354 and 454 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is 26 years old and she is resident of Village Dagori. On 09/06/2018 near about 3.30 p.m. at Dagori applicant forcibly entered in the house of the prosecutrix and used criminal force upon her to breach her modesty.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, charge-sheet has been filed and applicant is in custody since 12/06/2018, therefore, he shall be

released on bail.

5. On the other hand, learned counsel for the State opposes the bail application and submits that no other criminal case is registered against the present applicant.

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 and applicant is in jail since 12/06/2018, 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. 20,000/- 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

Kamde