

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5398 of 2018**

- Mohan Soni S/o Late Shri Gulab Soni Aged About 64 Years R/o Peska, Police Station Miral, District Gadwa, Jharkhand, Presently R/o Magar Dodha, Sikari Road, Bauripara, Ambikapur, District Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station AJAK Ambikapur, District Surguja, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Jitendra Shrivatava, Advocate.

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21.08.2018**

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. 8/2018 registered at Police Station – AJAK Ambikapur District – Surguja (C.G.) for the offence punishable under Sections 354, 354 (क) of the Indian Penal Code, Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w-i), 3(2) (v-क) of the SC/ST (Prevention of Atrocities) Act, 1989.
3. Case of the prosecution, in brief is that the prosecutrix is near

about 13 years old. On 30.03.2018 near about 6 pm when the prosecutrix had gone to reply nature's call, applicant reached there and used criminal force on the body of the prosecutrix to breach her modesty.

4. The applicant is in custody since 10.07.2018. Charge sheet has been filed.
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. 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.
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 two solvent sureties for a sum of Rs.20,000/- each along with a personal bond of Rs. 40,000/- 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE