

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5694 of 2018**

Natwa @ Ramesh @ Mukesh Bhuiya S/o Rajnath Bhuiya, Aged About 24 Years, R/o Gangapur, Behind Mukti Dham, P. S. Gandhinagar, District Surguja Chhattigarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Gandhinagar, District Surguja Chhattigarh.

---- Respondent

For the Applicant	:	Smt. Hamida Siddiqui, Advocate
For the State	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05/09/2018**

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 counsel for the State in connection with the Crime No. 208/2017 registered at Police Station Gandhinagar, District Surguja (C.G.) for the offence punishable under Sections 354, 294, 506-B and 323 of IPC and Section 7 & 8 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that the prosecutrix is near about 17 years old and resident of Village Aghoura, District Balrampur. On 26/06/2017 near about 4 p.m., at village Aghoura, prosecutrix was alone in the house. Applicant reached there and used criminal force on her body to breach her modesty. He had also abused the prosecutrix and given threatening to kill her.
4. Counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, 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 and as per the statement of the Govt. Advocate there is no antecedents of the applicant, 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. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 30,000/- 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde