

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5890 of 2018**

Prabhu Nageshiya S/o Shri Khetal Nageshiya Aged About 44 Years  
R/o Podikhurd, P. S. Shankargarh Distt. Balrampur-Ramanujganj  
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P. S. Shankargarh Distt. Balrampur-  
Ramanujganj Chhattisgarh.

---- Respondent

|                   |   |                                        |
|-------------------|---|----------------------------------------|
| For the Applicant | : | Ms. Soniya Kuleep, Advocate            |
| For the State     | : | Shri Neeraj Sharma, Dy. Govt. Advocate |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****04/10/2018**

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. 73/2016 registered at Police Station Shankargarh, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 363, 370 of IPC, Section 84 of J.J. Act, Section 3 of Child Labour Act & Section 79 of Juvenile Employees Exploitation Act.
3. Case of the prosecution, in brief is that complainant Sukheshwar is near about 13 years old and resident of village Butkiya. On 13/09/2016 applicant had given Rs.1000/- to the complainant and sent him for work in brick kiln at Banaras. Applicant deputed minor child in brick kiln.
4. Learned 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. He further submits that there is no antecedents against the applicant.

6. Looking to the above mentioned facts and circumstances of the case, 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. 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.
8. Certified copy as per rules.

Sd/-  
(Sharad Kumar Gupta)  
Judge

Kamde