

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5978 of 2018**

- Kailash Kaushal S/o Jaychand Kaushal Aged About 41 Years R/o Village Madhav Para Geedam P. S. Geedam District South Bastar Dantewada Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The P. S. Geedam District South Bastar Dantewada Chhattisgarh.

---- Non-applicant

For Applicant : Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.10.2018**

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. 45/2018 registered at Police Station – Geedam District – South Bastar Dantewada (C.G.) for the offence punishable under Section 363, 366, 354 of the Indian Penal Code, Section 3(C) of the Protection of Children from Sexual Offences Act, 2012 and 3(1)(11) of the SC/ST (Prevention of Atrocities) Act, 1989.
3. Case of the prosecution, in brief is that the prosecutrix was near about 14 years old. She was resident of village Kasoli. She is member of

Scheduled Tribe. Applicant is neither member of Scheduled Caste nor Scheduled Tribe. On 25.07.2018 at Rautpara Haram School applicant and coaccused Venkatesh forcibly made prosecutrix to seat on the motorcycle. Applicant caught hold of her neck to breach her modesty. Accused and coaccused Venkatesh were taking her away towards Nagul.

4. 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.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. 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.
7. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE