

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5870 of 2018

- Mahesh Prajapati S/o Ishwar Prajapati Aged About 35 Years R/o- Basdei, Police Chowki-Basdei, Police Station And District- Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The Incharge, Police Chowki- Basdei, Police Station- Surajpur, District- Surajpur, Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Sangeet Kumar Kushwaha, Advocate.

For Non-applicant : Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

19.09.2018

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. 181/2018 registered at Police Chowki Basdei, Police Station – Surajpur District – Surajpur (C.G.) for the offence punishable under Sections 354, 452 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that the prosecutrix is near about 16 years old. She is resident of village Basdei. Applicant is the

uncle of the prosecutrix. On 27.04.2018 at about 1 – 2 pm he entered into the house of the prosecutrix and used criminal force on her body to breach her body.

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, he submits that there is no antecedent against the applicant.

6. Looking to these 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