

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5919 of 2018

- Vijendra Yadav S/o Gaindu Yadav Aged About 22 Years R/o Samanpur, Police Station Kawardha, District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Kawardha, District Kabirdham Chhattisgarh.

---- Non-applicant

For Applicant : Ms. Upasna Mehta, Advocate.

For Non-applicant : Mr. Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board06.09.2018

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. 317/2018 registered at Police Station – Kawardha, District – Kabirdham (C.G.) for the offence punishable under Sections 354, 323 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 15 years old, she is resident of Samnapur. On 28.07.2018 near about 2:30 pm the prosecutrix was standing in front of her house.

Applicant reached there and used criminal force on her body to breach her modesty and also beaten her with hand and fist.

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 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 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.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE