

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6142 of 2018

- Mahesh Kumar Saket S/o Pannelal Saket Aged About 18 Years R/o Kuberpur, Police Station Chandni, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chandni, District Surajpur Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Anil Gulati, Advocate.

For Non-applicant : Mr. S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

10.10.2018

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. 37/2018 registered at Police Station – Chandni, District – Surajpur (C.G.) for the offence punishable under Section 354 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 prosecutrix had gone to the house of the father of the applicant Mahesh Kumar Saket to take the mobile which was put for charging there. Applicant used criminal force

on prosecutrix to outrage her modesty. At that time, the door got closed from outside at the instance of Ramratan.

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