

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6216 of 2018**

Anil Kumar Yadav S/o Murit Ram Yadav Aged About 24 Years R/o
Village Khudiyadih, Police Station Bilha, Tahsil Bilha, District Bilaspur,
CG

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Bilha, District Bilaspur, CG

---- Respondent

For applicant	Ms. Nirupma Bajpai, Adv.
For Respondent/State	Mr. Vasim Miyan, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****5-10-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 70/2018 registered in police station Bilha, Distt. Bilaspur (CG) for offence punishable under Section 452, 354(A)(B), 354 of IPC and Section 3(1)(x) and 3(1)(B)(I)(II) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1985.
3. Case diary is not available. Counsel for the applicant produced copy of the charge sheet which is perused by the court.
4. Prosecution story in brief is that prosecutrix is aged about 24 years and is a resident of Khudiadih. She is a member of Scheduled caste. The applicant is neither a member of Scheduled caste nor Scheduled tribe. On 5-3-2018 at about 11 am at village Khudiadih, the applicant entered into the house of the prosecutrix and used criminal force on her to outrage her modesty.
5. As per copy of the arrest memo which is part of the charge sheet, there is no criminal antecedent of the applicant.
6. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
7. On the other hand, the Panel Lawyer opposed the bail application.

8. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- each along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any crime and he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
9. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge