

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6540 of 2018**

Vivek Kumar Gupta S/o Late Shri Mohan Lal Gupta Aged About 44 Years
R/o- Archana Vihar, Gandhi Nagar, P.S. Civil Line, District- Bilaspur,
Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through-The Station House Officer, Police Station
Takhatpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri R. Pradhan, Advocate.
For the Respondent/State	:	Shri Vijay Bahadur Singh, P.L.
For the Objector	:	Shri R.R. Soni, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.10.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.76 of 2018, registered at Police Station – Takhatpur, District Bilaspur, Chhattisgarh for the offence punishable under Sections 354, 354(d), 295, 506, 323 and 324 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 7.8.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the

Court by the prosecution. After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecutrix/ victim has lodged FIR alleging that the applicant is a teacher in Primary School at village Chanadongari where she herself is a teacher. She has alleged that the applicant used to follow and harass her continuously, threatened to defame her and then on 17.2.2018, by use of criminal force he outraged her modesty and also threatened that he will throw acid on her face and then assaulted her. Hence, this case.

6. Considering the material present in the case-diary, now the case is before the trial Court and no purpose would be served if the applicant is kept in detention for the whole period of trial, hence, this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi