

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6792 of 2018**

Ashwani Kumar Yadav S/o Bisoha Ram Yadav Aged About 28 Years
R/o Village Iraguda, P. S. Gunderdehi, District Balod Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, P. S.
Gunderdehi, District Balod Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rajesh Kumar Sharma, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.207/2018 registered at Police Station Gunderdehi, District Balod (C.G.) for the offence punishable under Sections 442, 354 (A)(1)(i), 451 of IPC and Section 7 & 8 of POCSO Act.
3. Case of the prosecution, in brief is that prosecutrix is near about 17 years old. She is resident of village Iraguda. On 18/07/2018 applicant entered in the house of the prosecutrix and used criminal force on her to outrage her modesty.
4. Counsel for the applicant submits that applicant is innocent and 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. He further submits that three other criminal cases have been registered against the applicant under Section 151 and 107/16 of CrPC.
6. Looking to the above mentioned 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 the benefit of Section 439 of the Cr.P.C. to the present applicant.

7. Consequently, the bail application filed under Section 439 of the Cr.P.C., 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 of the crime in future, he be released on bail.

8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde