

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6841 of 2018

- Govinda Chaudhari S/o Sukhram Aged About 26 Years R/o Patgawa, Police Station - Pendra, Revenue And Civil District - Bilaspur, Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through Police Station - Pendra, District - Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Sandeep Yadav, Advocate.

For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

12.10.2018

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. 280/2018 registered at Police Station – Pendra District – Bilaspur (C.G.) for the offence punishable under Sections 354, 452, 354(a), 354(c), 506 of the Indian Penal Code and Section 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (later on Section 376 and 511 IPC has also been added at the stage of remand)
3. Case of the prosecution, in brief is that prosecutrix was aged

about 17 years. She is resident of village Patgawa. On 07.08.2018 and 09.08.2018 applicant had used criminal force on her body to outrage her modesty.

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