

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7204 of 2018**

Aakash @ Dhanraj Sahu, S/o late Kundan Sahu, aged about 20 years, R/o Budhadev Para, Nagri, Post Office & Police Station Nagri, District Dhamtari.

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Nagri, District Dhamtari (CG).

---- Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate.

For Non-applicant : Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.11.2018**

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.36/2018 registered in Police Station Nagri, District Dhamtari for the offence punishable under Sections 363, 342, 354, 34, 506, 376 of IPC and Sections 4, 6 & 8 of Protection of Children from Sexual Offence Act.
3. Prosecution story in brief is that on 29.05.2018 the prosecutrix was below than 16 years old. She is resident of village Linepara Nagri. On 29.05.2018 the applicant and co-accused Rama took her in the house of applicant. They started to molest her when she shouted, her uncle Trilok Chand reached there. The applicant was doing physical relation with her.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail to the applicant. He further submitted that previously three criminal cases have already been registered against the applicant.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. As per enclosed certified copy of statement of prosecutrix recorded by

the Trial Court on 09.10.2018 during trial she turned hostile and stated that she herself went to see the applicant in his house. He was nothing done wrong with her.

8. 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; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant.

9. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.

10. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-