

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7645 of 2018**

Rajesh Ghasiya, S/o Shri Abirlal, aged about 23 years, R/o Village Asola Pakaripara, Thana Ambikapur, Civil and Revenue District Surguja (CG).

**---- Applicant****Versus**

State of Chhattisgarh, through Station House Officer, Police Station Ambikapur, Civil & Revenue District Surguja (CG).

**---- Non-applicant**

For Applicant : Mr. Sumit Shrivastava, Advocate.  
For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****26.11.2018**

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.384/2018 registered in Police Station Ambikapur, District Surguja for the offence punishable under Sections 363, 366, 506-B, 323, 354 of IPC and Sections 8, 9(1)/10 of Protection of Children from Sexual Offence Act.
3. Prosecution story in brief is that on 07.08.2018 the prosecutrix was aged about 17 years old. She is resident of village Sonpurkala. On 07.08.2018 the applicant abused her and gave threatening to kill her and used criminal force to outrage her modesty. He took away her to village Seetapur.
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 no criminal antecedent reported against the applicant in police case diary.
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; 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. Accordingly, the bail application is allowed.
7. 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.

8. Certified copy as per rules.

**Sd/-**

(Sharad Kumar Gupta)

**JUDGE**

L/-