

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9 of 2018**

Gajendra Manikpuri S/o Rikhidas Manikpuri, Aged About 21 Years R/o Village Bhadera, P. S. Gandai, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Gandai, District Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Abhishek Sharma, Advocate
For the Non-applicant	:	Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/03/2018**

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 learned counsel for the State in connection with the Crime No. 263/2017 registered at Police Station Gandai, District Rajnandgaon (C.G.) for the offence punishable under Sections 354 (D), 509, 201, 34 of the Indian Penal Code and Section 11, 12 of the Protection of Children from Sexual Offence Act, 2012.
3. Case of the prosecution, in brief is that the prosecutrix is near about 17 years old. She is resident of Village Bhadera. On 19/10/2017 by 08.30 p.m. near the tank the applicant and co-accused Takeshwar Janghel (who is minor) teased the prosecutrix and use obscene

words tried to give her cloth. The prosecutrix filed the application before the Police Station, Gandai where the FIR was lodged on 22/10/2017.

4. Learned counsel for the applicant argued that the applicant is innocent and he has been falsely implicated and he is in custody since 20/10/2017, thus he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances of the case that the applicant is in jail since 20/10/ 2017 and looking to the fact that the trial should take its own time and challan has already been filed, 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.
8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.10,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that 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