

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8138 of 2018**

Lingraj @ Tinku, S/o Shri Hemsagar Behera, Aged about 28 years, R/o Village Dhaurabhata, P.S. Tamnar, District Raigarh, Civil and Revenue District Raigarh (CG).
---- Applicant

Versus

State of Chhattisgarh, through Police Station Tamnar, Raigarh, District Raigarh (CG).
---- Non-applicant

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.12.2018**

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.224/2018 registered in Police Station Tamnar, District Raigarh for the offence punishable under Section 354 of Indian Penal Code.
3. Prosecution story in brief is that on 27.09.2018, the prosecutrix is aged about 27 years old. She is a resident of village Aaradih, Sarangarh. On 27.09.2018 at about 8:00 a.m. the applicant molested the prosecutrix and used criminal force to outrage her modesty.
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, out of which, two cases under of CrPC and one case under of Gambling Act have already been registered 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; 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 and he shall not commit such type of offence in future.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-