

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8157 of 2018**

Milesh Kumar Dhritlahre (wrongly mentioned as Nilesh in the certified copy),
S/o Kaliram Dhritlahre, aged about 30 years, R/o Village Mudhiya, Police
Station Lalpur, District Mungeli (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Lalpur,
District Mungeli (CG). **---- Non-applicant**

For Applicant : Mr. C.P. Lahrey, Advocate.
For Non-applicant/State : Mr. Ramakant Pandey, Panel Lawyer

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.113/2013 registered in Police Station Lalpur, District Mungeli for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act.
3. The applicant is facing trial for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act. The applicant was bail out by FTC Court on 13.12.2014. Thereafter, he was absent on 26.10.2017 and arrest warrant issued against him. On 16.07.2018 the permanent arrest warrant has been issued against him. On the execution of arrest warrant, he was arrested on 19.09.2018.
4. Counsel for the applicant submitted that the benefits of Section 439 of CrPC may be granted to the applicant. If he grants bail, in future he shall regularly appear before the trial Court.
5. Counsel for the State opposed for grant of bail to 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-