

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8952 of 2018**

Sunil Padam, S/o Ramkumar Padam, aged about 29 years, R/o Diwanpara,
P.S. Gangaloor, District Bijapur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through P.S. Gangaloor, District Bijapur (CG).

---- Non-applicant

For Applicant : Mr. P.R. Patankar, Advocate.
For Non-applicant : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.12.2018

1. Case diary is not produced.
2. 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.
3. The applicant has been arrested in connection with Crime No.09/2018 registered in Police Station Gangaloor, District Bijapur for the offence punishable under Section 354 (A) of the Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act.
4. Prosecution story in brief is that on 29.07.2018 the prosecutrix was aged about 14 years old. On 29.07.2018, the Superintendent of Girls Hostel, Gangaloor had taken the prosecutrix to Gangaloor Hospital for her treatment, where the applicant used criminal force upon the prosecutrix to outrage her modesty.
5. 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.
6. Counsel for the State opposed the prayer for grant of bail to the applicant
7. As per enclosed photocopy of arrest memo of the applicant, which is a part of charge-sheet, no criminal antecedent reported against the applicant.
8. Looking to these facts and circumstances of the case, looking to the amount of consideration, 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.
9. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the like 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-