

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 379 of 2019**

Vijay Kashyap, S/o Shri Phul Singh Kashyap, aged about 23 years, R/o Village Chilkaalguda, Keshpur, Tokapal, District Bastar (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Parpa, District Bastar (CG).

---- Non-applicant

For Applicant	: Mr. Devershi Vishwas, Advocate.
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.224/2018 registered at Police Station Parpa, District Bastar for the offence punishable under Sections 354-B read with 34 of IPC and Section 10 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 07.12.2018 the prosecutrix was aged about 17 years old. She is a resident of village Dilmili. On 07.12.2018 at about 15 hrs near Navin Vidyalaya in village Tokapal, the applicant caught hold her hand and compelled her to be naked.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is 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 benefit of Section 439 of the Cr.P.C. 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/- along with a personal bond 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 involve any such type of crime in future.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE