

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.300 of 2019**

Pradeep Sahu, S/o Radheshyam Sahu, aged about 19 years, R/o Village Korja, P.S. & Tahsil Lakhanpur, District Surguja (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Lakhanpur, District Surguja (CG).

---- Non-applicant

For Applicant : Mr. A.N. Pandey, Advocate.
For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.218/2018 registered in Police Station Lakhanpur, District Sarguja for the offence punishable under Sections 354, 506 of IPC and Sections 7 & 8 of Protection of Children from Sexual Offences Act.
3. Prosecution story in brief is that on 19.12.2018 the prosecutrix was aged about 17 years. She is a resident of village Korza Ahirpara. On 19.12.2018 at about 7:00 p.m. at near handpump in village Korza Ahirpara, the applicant caught hold her hand and took her near to his house by pulling 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, however, he submitted 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 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/-