

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.877 of 2019**

Dheeraj Kumar, son of late Shri Madanmohan Kashyap, aged about 40 years,
R/o Ramnagar Dabripara, Police Station Civil Line, Tahsil and District Bilaspur
(CG). **---- Applicant**

Versus

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

For Applicant : Mr.U.K.S. Chandel, Advocate.
For Non-applicant : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27.02.2019**

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.237/2018 registered in Police Station Masturi, District Bilaspur for the offence punishable under Sections 294, 354 & 323 of Indian Penal Code.
3. Prosecution story in brief is that on 22.06.2018 the prosecutrix was aged about 19 years old. She is a resident of village Junwani. On 22.06.2018, the applicant molested her and abused and beat her. He told her that she had implicated him in false case.
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 bail application. He submitted that one case under Section 376 of IPC has been registered against the applicant in police case diary.
6. This case was registered at the instance of prosecutrix.
7. 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. Consequently, the bail application is allowed.
8. 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 any such type of crime in future.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-