

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 671 of 2019**

- Durgesh Shrivastava S/o Sukhram Shrivastava Aged About 25 Years R/o Azad Chowk, Pathariya, Police Station And Tahsil Pathariya, District Mungeli Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pathariya, District Mungeli Chhattisgarh

.....Non Applicant

For the Applicant	:	Shri Satish Gupta, Advocate
For Non Applicant	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****14.02.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.193/2017 registered at Police Station- Pathariya, District- Mungeli (C.G.) for the offence punishable under Sections 354, 323, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is a peon in District Cooperative Central Bank Pathariya. She is resident of village Pathariya. She is aged about 57 years old. On 26.04.2017 at about 1:00 am she was going to her mother's house along with the applicant and another coaccused on the way applicant pulled her by tying with towel on her neck as a result she fell down on earth, applicant caught hold her hand to outrage her modesty.
4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if 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 will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

Judge

Parul