

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.700 of 2019**

Dilip Kumar, son of Rijhumal Mirdha, aged about 18 years, R/o village Mahloi,
Patarapara, Police Station Tamnar, District Raigarh (CG). **---- Applicant**

Versus

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

For Applicant : Mr. Ashish Gupta, Advocate.
For Non-applicant/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.02.2019

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.297/2018 registered in Police Station Tamnar, District Raigarh for the offence punishable under Sections 354, 294, 506-B, 34 of IPC and Section 8 of Protection of Children from Sexual Offences Act.
3. Prosecution story in brief is that on 13.12.2018 the prosecutrix was aged about 14 years old. She is a resident of village Mahloi. On 13.12.2018 at about 16:30 hrs. the applicant and co-accused persons namely Chinta Ram, Upendra and Amit abused the prosecutrix and gave threat to kill her and used criminal force upon her body 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, 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/- 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 offence in future.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-