

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.867 of 2019**

Umesh Sharma, son of late Shri Sajan Kumar, aged about 30 years, R/o Gondpara Bilaspur, Police Station City Kotwali, Tahsil and District Bilaspur (CG).
---- Applicant

Versus

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

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****19.02.2019**

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.05/2019 registered in Police Station City Kotwali Bilaspur, District Bilaspur for the offence punishable under Sections 354, 323 of Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act.
3. Prosecution story in brief is that on 06.01.2019 the prosecutrix was aged about 09 years old. She is a resident of village Gondpara, Bilaspur. On 06.01.2019 at about 14:30 hrs at Marwadi Bhojnalaya Bilaspur, the applicant sat the prosecutrix on his leg and done obscene act with her.
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, however, he submitted that no criminal antecedent is reported against the applicant.
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 like 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/-