

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.1029 of 2019**

Parmeshwar Yadav, aged about 26 years, S/o Dukalha Yadav, R/o Village Dayalpur, Police Station Nandghat, District Bemetara (CG). **---- Applicant**

Versus

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

For Applicant : Mr. Pallav Mishra, Advocate.
For Non-applicant/State : Ms. M. Asha, 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.361/2018 registered in Police Station Nandghat, District Bemetara for the offence punishable under Sections 456 & 354(A) of Indian Penal Code.
3. Prosecution story in brief is that the prosecutrix was aged about 19 years old on the date of incident. She is a resident of village Dayalpur. In the intervening night of 21/22.10.2018 at village Dayalpur, the applicant entered in the house of prosecutrix 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. He submitted that one case under IPC has already been registered 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/-