

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.1293 of 2019**

Mangalsai Paikra, S/o Laxman Paikra, aged about 20 years, Caste Kanwar,
R/o Village Mayapur (Kansa Bahra), P.S. Tahsil Pratappur, District Surajpur
(CG). **---- Applicant**

Versus

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

For Applicant : Mr. Shakti Raj Sinha, Advocate.
For Non-applicant/State : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.03.2019

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.03/2019 registered in Police Station Jhilmili, District Surajpur for the offence punishable under Sections 452, 354, 324 of IPC and Section 8 of POCSO Act.
3. Prosecution story in brief is that the prosecutrix was aged about 16 ½ years. She is a resident of village Pahad Arnomi. On 13.01.2019, the applicant entered in the bathroom while she was washing clothes and he took her outside by pulling and he used criminal force upon her 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/-