

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1289 of 2019**

- Mohammad Hashmi Sufi S/o Abdul Naeem Aged About 32 Years R/o Marimai Mandir Road Talapara, P. S. Civil Lines Revenue And Civil District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Sarkanda, District Bilaspur, Chhattisgarh

.....Non Applicant

For the Applicant : Shri Pravin Das, Advocate

For Non Applicant : Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29.03.2019**

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.91/2019 registered at Police Station- Sarkanda, District- Bilaspur (C.G.) for the offence punishable under Sections 354, 384, 420, 506 of Indian Penal Code, Section 6 & 7 of Tonahi Pratadna Adhiniyam & Section 3(2)(va), 3(i) (W-i), (W-ii) of SC & ST Prevention of Atrocities Act.
3. Case of the prosecution, in brief is that prosecutrix is about 25 years of age. She is resident of village Jabdapara, Bilaspur. She is suffering from cancer. Applicant demanded 50 thousand rupees from her father to do exorcism. On 16.01.2019 at about 6 pm he pressed her breast, used criminal force on her 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 ordered 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 shall not commit similar type of offence in future, 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