

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1468 of 2019**

1. Harish Yadav S/o Raj Kumar Yadav Aged About 20 Years R/o Matiya, Chowki Malhar, P. S. Masturi, District Bilaspur Chhattisgarh
2. Sunil Yadav S/o Raj Kumar Yadav Aged About 25 Years R/o Matiya, Chowki Malhar, P. S. Masturi, District Bilaspur Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Chowki Malhar, P. S. Masturi, District Bilaspur Chhattisgarh

.....Non Applicant

For the Applicants : Shri Jitendra Gupta, Advocate

For Non Applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****14.03.2019**

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.38/2019 registered at Police Station- Masturi, District- Bilaspur (C.G.) for the offence punishable under Sections 454, 354-A, D, 506/34 of Indian Penal Code and Sections 8,12 & 21(1) of POCSO Act.
3. Case of the prosecution, in brief is that prosecutrix was aged about 17 years old. She is a resident of village Matiya. On 02.02.2019 at about 8:00 am applicant No.1 Harish Yadav had entered in her house and used criminal force on her to outrage her modesty. On 03.02.2019 applicant No.2 Sunil Yadav @Gulapa Yadav entered in her house showed the knife and gave threats that if she will narrate the incident to anyone then he will viral her obscene video in public. Applicant No.1 Harish Yadav was molestating her since back 2-3 months.
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 directed that if each 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 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