

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1761 of 2019

- Mangal Kumar Vaishnav S/o Rajendra Kumar Vaishnav Aged About 26 Years R/o Village Barbaspur Rajnandgaon Hall Santrabadi Near Sahu Aata Chakki Ward 26, Police Station Durg, District - Durg Chhattisgarh., District : Durg, Chhattisgarh
----- Applicant

Versus

- State Of Chhattisgarh Through Police Of Police Station - Durg, District - Durg Chhattisgarh., District : Durg, Chhattisgarh
----- Non-applicant

For Applicant	: Mr. CP Soni, Advocate.
For Non-applicant	: Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.03.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant 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. 173/2019 registered at Police Station – Durg, District - Durg (C.G.) for the offence punishable under Sections 354, 354(ब), 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that prosecutrix is about 14 years old. She is resident of village Nayapara, Durg. 1½ / 2 months prior applicant and coaccused Somu Khan @ Arsad Ali used to stalk and making comments. On 20.02.2019 at about 3 pm near the Rajendra Park Chowk, Durg coaccused Somu Khan used criminal force at her to outrage her modesty, gave threats to kill her.
4. Learned counsel for the applicant submits that the 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, he submits that there is no antecedent 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, It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime 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