

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1813 of 2019**

- M. D. Aslam Khan S/o Shahjad Khan Aged About 24 Years R/o Village Dhaneli, Police Station Dharsiwa, District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Dharsiwa, District Raipur Chhattisgarh

.....Non Applicant

For the Applicant : Shri Pradeep Rajgir, Advocate on behalf of Shri Ravi Maheshwari, Advocate

For Non Applicant : Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05.04.2019**

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.67/2019 registered at Police Station- Dharsiwa, District- Raipur (C.G.) for the offence punishable under Sections 354, 294, 506 of Indian Penal Code and Section 8, 12 of POCSO Act, 2012.
3. Case of the prosecution, in brief is that prosecutrix is about 15 years old. She is resident of village Koilari. On 09.02.2019 applicant outfaced, abused her, threatened to kill her and used criminal force on her body 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 criminal 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 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