

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.2205 of 2019**

Gangaram Sahu, S/o Kapil Sahu, aged about 46 years, R/o Village Sihad,
Police Station Bhakhara, District Dhamtari (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Bhakhara,
District Dhamtari (CG).

---- Non-applicant

For Applicant : Mr. Anil Gulati, Advocate.
For Non-applicant : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.05.2019

1. Case diary is not produced.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other Court.
3. Perused the copy of charge-sheet provided by the counsel for the applicant in connection with Crime No.42/2019 registered at Police Station Bhakhara, District Dhamtari for the offence punishable under Sections 456, 354, 509 of IPC and Section 12 of Protection of Children from Sexual Offences Act.
4. Prosecution story in brief is that on 05.03.2019 the prosecutrix was aged about 14 years 09 months. She is resident of village Sihad. On 05.03.2019, the applicant entered in the house of prosecutrix and removed his undergarments and chased her.
5. Counsel for the applicant submitted that the applicant is an innocent and has been falsely implicated in the present case hence he may be released on bail.
6. Counsel for the State opposed the bail application, however, he submitted that no criminal antecedent is reported against the applicant.
7. 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.
8. 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 like 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-