

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.2213 of 2019**

Rahul Yadav, S/o Shri Ramchet Yadav, aged about 19 years, R/o Shankarpara, Supela Bhilai, District Durg (CG). **---- Applicant**

Versus

State of Chhattisgarh, through the Collector, District Durg (CG).

---- Non-applicant

For Applicant : Mr. Avinash Chand Sahu, Advocate.
For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.04.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.1074/2018 registered in Police Station Supela District Durg for the offence punishable under Sections 354(ब), 506 B of IPC and Section 12 of POCSO.
3. Prosecution story in brief is that on 09.11.2018 the prosecutrix was aged about 17 years old. She is a resident of village Supela. On 09.11.2018, the applicant molested her and used to filthy language with her. He was stalking to her since back 1 ½ years. He had also abused her on mobile and gave threat to kill her.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
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; 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.
7. 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-