

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2492 of 2019**

- Sunil Porte S/o Mehatram Porte Aged About 28 Years R/o Village Sirve Police Station Tilda Newra District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Tilda Newra District Raipur Chhattisgarh

----Non Applicant

For the Applicant : Mr. Awadh Tripathi, Advocate

For Non Applicant : Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26.04.2019**

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.337/2017 registered at Police Station- Tilda Newra, District- Raipur (C.G.) for the offence punishable under Sections 456, 354 of 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 13 years of age. She is resident of village Sarora. In the intervening night of 3-4.10.2017 applicant entered in the house of the prosecutrix 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