

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2792 of 2019**

- Banshi Lal Vishwkarma S/o Late Randheer Vishwakarma Aged About 24 Years R/o Diprapara, Ward No. 39, Shashtri Chowk, Durg, Police Station- Durg, District- Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District- Magistrate, District- Durg, Chhattisgarh

----Non Applicant

For the Applicant : Shri Avinash Chand Sahu, Advocate

For Non Applicant : Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08.05.2019**

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.133/2018 registered at Police Station- Durg, District- Durg(C.G.) for the offence punishable under Sections 354, 354(घ), 294, 506, 323 of Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that prosecutrix is about 12 years old. She is resident of Gandhinagar, Diprapara, Durg. On 11.02.2018 about 18:00 hours, near Sulabh Shouchalaya, Gandhinagar, Diprapara, Durg, applicant caught hold her hand to outrage her modesty, when her uncle Mahendra Gandharav intervened him, the applicant beat him by hands and fists.
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 submits that two other criminal cases under the IPC have been registered against the applicant.
6. Looking to the above mentioned 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