

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3051 of 2019

- Mahesh Kumar Khatkar S/o Sukhdev Khatkar Aged About 40 Years R/o Village - Kuriyari, Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Naveen Nirala, Advocate.

For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

15.05.2019

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. 100/2019 registered at Police Station – Shivrinarayan District – Janjgir Chama (C.G.) for the offence punishable under Sections 456, 354, 354(B), 323 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the prosecutrix is about 35 years old. She is resident of village Puriyari. On 03.04.2019 between 18:00 hours to 19:00 hours at village Puriyari, applicant who is her brother in law entered in her house and used criminal force on her to outrage her modesty. He caused injury on prosecutrix and her son Pitamber by belt.
4. Learned counsel for the applicant submits that the 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, he submits that there is no 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 the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, 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