

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.3326 of 2019**

Nagesh Vaide, S/o Bhagwati Ram Vaide, aged about 28 years, Caste Marar, R/o Village Khudmudi, Police Station and Tahsil Chhuikhadan, District Rajnandgaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon (CG).

---- Non-applicant

For Applicant : Mr. Abhishek Sharma, Advocate.

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27.06.2019**

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.157/2009 registered in Police Station Chhuikhadan, District Rajnandgaon for the offence punishable under Sections 454, 354 of Indian Penal Code.
3. Prosecution story in brief is that on 19.08.2009 the prosecutrix was aged about 13 years. She is a resident of village Khudmudi. On 19.08.2009, the applicant entered in her house and used to criminal force upon her body to outrage her modesty.
4. 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.

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.
7. Accordingly, the present bail application filed under Section 439 of the CrPC 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 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-