

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.3459 of 2019**

Ishwar Kashi (Kewat) @ Monu Kewat, S/o Dwarika Prasad Kewat, aged about 23 years, R/o Joda Sarai Masira, Outpost Basdei, Police Station Surajpur, District Surajpur, permanent R/o Village Sarna, Outpost Wadrafnagar, Police Station Basantpur, District Balrampur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Outpost Basdei, Police Station Surajpur, District Surajpur (CG). **---- Non-applicant**

For Applicant : Mr. Anil Gulati, Advocate.
For Non-applicant : Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

18.06.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.487/2018 registered in Police Station Outpost Basdei, Police Station Surajpur, District Surajpur for the offence punishable under Sections 341, 354(D), 509, 506, 436, 509(B) of IPC and Section 12 of Protection of Children from Sexual Offence Act.
3. Prosecution story in brief is that youngest prosecutrix was aged about 14 years old and eldest prosecutrix was aged about 18 years old. Both the prosecutrix are the resident of village Nawapara Basdei. One month prior to 01.12.2018 onwards the applicant was used to molest to both the prosecutrix. On 01.12.2018 he phoned to the eldest prosecutrix and talked filthy language with her and gave threatening that he will burn their houses. Earlier, he had also given threatening to the eldest prosecutrix that he will commit rape with youngest prosecutrix.
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 the above mentioned facts and circumstances of the case, the bail application is allowed. It is ordered 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-