

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3370 of 2019

- Faizal Khan @ Vicky S/o Afsar Khan Aged About 23 Years R/o Ward No. 15 Amakherwa, Manendragarh, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Manendragarh, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shakti Raj Sinha, Advocate.

For Non-applicant : Mr. V. Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

28.06.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no 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. 94/2019 registered at Police Station – Manendragarh District – Korea (C.G.) for the offence punishable under Sections 354, 354 (D), 294, 34 of the Indian Penal Code and 8, 12 of the POCSO Act, 2012.
3. Case of the prosecution, in brief is that prosecutrix is about 17 years of age. She is resident of village Ramnagar. One year prior to

23.03.2019 applicant and coaccused Piyush were stalking her. On 23.03.2019 they molested her, used criminal force on her body to outrage her modesty, they abused her.

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, submits that there is no antecedent against the applicant.

6. Looking to the above mentioned facts and circumstances of the case, looking to the prima facie material available on record against the applicant, 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 similar type of 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