

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.4096 of 2019**

Kamlesh Dewangan @ Monu, son of Ram Kishan Dewangan, aged about 20 years, Resident of near Matkhodwapara, Changorabhatha, Police Station D.D. Nagar, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station D.D. Nagar, Civil and Revenue District Raipur (CG).

---- Non-applicant

For Applicant : Mr. Girdhari Lal Verma, Advocate.

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.07.2019**

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.172/2019 registered in Police Station D.D. Nagar, Civil and Revenue District Raipur for the offence punishable under Sections 456, 354 of the Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 12.05.2019 the prosecutrix was aged about 09 years old. She is a resident of Changorabhatha, Raipur. On 12.05.2019 in the night, the applicant entered into her house and used to criminal force upon her body to outrage her modesty.

4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. Counsel for the State opposed the bail application. However, she 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, 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. Accordingly, the bail application is allowed.
7. 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 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 such type of offence in future.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-