

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4564 of 2019

- Akash Sharma S/o Late Gouri Shankar Sharma Aged About 21 Years R/o Village Suwarpara, Sedam, Police Station And Tehsil Batouli District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Police Station Batouli District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant : Shri Nishi Kant Sinha, Advocate.

For Non-applicant : Ms. S. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

01.08.2019

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. 126/2018 registered at Police Station – Batouli District – Surguja (C.G.) for the offence punishable under Sections 363, 342, 377 of the Indian Penal Code and Sections 3(A), 4 POCSO Act, 2012 and 3(2-5) of SCST Act.
3. Case of the prosecution, in brief is that complainant is about 7 years old. He is member of scheduled tribe. He is a resident of village Suarpara. On 11.12.2018 applicant took complainant by enticing to give cash in his house and inserted his penis in his mouth.

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. As per the certified copy of the statement of the complainant which is part of the bail application he says in para 2 in his examination in chief that applicant had slapped him and accepted it that he has not done any act with him. He turned hostile, did not support the prosecution case.
7. Looking to the above mentioned facts and circumstances of the case, looking to the prima facie material available in 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 one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE