

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.4686 of 2019**

Shiv Prasad Tiwari, S/o late Thanwa Prasad Tiwari, aged about 60 years, R/o village Bortalav, Ward No.2, Thana Bortalav, District Rajnandgaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Bortalav, District Rajnandgaon (CG).

---- Non-applicant

For Applicant : Mr. Samir Singh, Advocate.
For Non-applicant/State : Mr. Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.08.2019

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.19/2019 registered in Police Station Bortalav, District Rajnandgaon for the offence punishable under Sections 354, 354(E), 323, 506 of Indian Penal Code and Sections 04, 10, 17 of Protection of Children from Sexual Offences Act.
3. Prosecution story in brief is that on 24.04.2019 the prosecutrix was aged about 15 years old. She is a resident of Khairagarh. On 24.04.2019 at village Bortalav, the applicant used criminal force upon her body and pressed her breast to outrage her modesty and he gave threat to kill her.
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. He submitted that previously 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. 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 like sum of Rs.50,000/- to the satisfaction of the concerned Court with the condition that he shall appear before the concerned 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-