

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.9251 of 2018**

Goverdhan Banjare, son of late Gautariya Banjare, aged about 25 years, R/o Behind the House of Dr. Niyad, Durg, District Durg (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Mohan Nagar, Durg, District Durg (CG). **---- Non-applicant**

For Applicant : Mr. Sanjay Kumar Agrawal, Advocate.
For Non-applicant : Mr. Ravi Kumar Bhagat, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****07.01.2019**

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.230/2017 registered in Police Station Mohan Nagar, Durg, District Durg for the offence punishable under Section 354 of Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act.
3. Prosecution story in brief is that on 20.06.2018 the prosecutrix was aged about 13 years old. She is a resident of Mohan Nagar, Durg. The applicant used to criminal force upon her to outrage her modesty.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail to the applicant however, he submitted that 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/- each along with a personal bond in the 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 such type of offence in future.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-