

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.9691 of 2018**

Hemlal Jangde, S/o Hiralal Jangde, aged about 38 years, R/o Village Nawagao (Tipawan), Police Station Palari, District (Revenue & Civil)-Balodabazar Bhatapara (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Palari, District (Revenue & Civil) Balodabazar Bhatapara (CG). **---- Non-applicant**

For Applicant : Mr. Sumit Jhawar, Advocate.
For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****15.01.2019**

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.514/2018 registered in Police Station Palari, District (Revenue & Civil) Balodabazar Bhatapara for the offence punishable under Sections 294, 354 of IPC and Section 12 of POCSO Act.
3. Prosecution story in brief is that on 04.10.2018 the prosecutrix was aged about 16 years. She is a resident of village Nawagao (Tipawan). The present applicant is a father of prosecutrix. On 04.10.2018 at about 8:30 p.m. The applicant annoyed her at the time of serving of chhapati and he abused her and touched her body and climbed upon her body.
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. He further submitted that no criminal antecedent 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. Consequently, 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 any such type of crime in future.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-