

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9867 of 2018**

Santosh Rathiya S/o Shri Gudul Say Rathiya Aged About 32 Years
R/o Village- Jamargi- D, Thana And Tahsil- Dharamjaygarh, Civil And
Revenue District- Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Dharamjaygarh, Civil And Revenue District- Raigarh, Chhattisgarh

---- Respondent

For the Applicant	:	Shri Sunil Sahu, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**17/01/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.254/2018 registered at Police Station Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Section 354, 354(D), 294, 506 of IPC.
3. Case of the prosecution, in brief is that the prosecutrix is aged about 19 years old. She is resident of Village Jagargidi. On 08/10/2018 at about 5 p.m. when she was returning back from village pond after fishing, applicant used criminal force to outrage her modesty, thereafter on 09/10/2018 he again molested her abused her and her parents.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that one another criminal case of the same nature has been registered against him.
6. Looking to the facts and circumstances of the case, 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 two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Court with the condition that he shall not involve any such type of crime in future, he shall be released on bail.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge