

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 10055 of 2018**

Raju Malakar @ Namo, S/o Shri Ranjan Malakar, aged about 19 years, R/o Village Bhagwanpur, P.S. Gandhinagar, Ambikapur, District Surguja (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Incharge P.S. Gandhinagar, Ambikapur, District Surguja (CG). **---- Non-applicant**

For Applicant	: Ms. Soniya Kuldeep, Advocate.
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

23.01.2019

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 counsel for the State in connection with crime No.285/2018 registered at Police Station Gandhinagar, Ambikapur, District Surguja for the offence punishable under Sections 354, 341, 354(D)(1) of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 16.11.2018, the prosecutrix was aged about 16 years. She is a resident of village Gandhi Nagar, Ambikapur. On 16.11.2018 the applicant stopped her bicycle and molested her and he used to criminal force upon her body to outrage her modesty.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits 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 benefit of Section 439 of the Cr.P.C. 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 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 involve any such type of crime in future.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-