

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3796 of 2017**

Suraj Sahu S/o Pataluram Sahu, Aged About 27 Years R/o Village
Chisda, P.S. Hasahud, District Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

For applicant	Mr. Raghvendra Pradhan, Adv.
For Respondent/State	Mr. D.R. Minj, Dy. Govt. Adv.
For objector	Mr. Sumit Shrivastava, Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17-11-2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. Perused the copy of the charge sheet produced by counsel for the applicant in connection with Crime No. 151/2017 registered in police station Bilaigarh, Distt. Baloda Bazar, Bhatapara (CG) for offence punishable under Section 376 of the Indian Penal Code, and also heard counsel for the parties.
3. Prosecution story in brief is that prosecutrix is widow and resident of village Pahuni, aged about 24 years. Since the years 2013 to 2015 the applicant committed sexual intercourse with the prosecutrix on the pretext of marriage. Later he refused to perform marriage.
4. Charge sheet has already been filed and the matter is pending before the 1st Addl. Sessions Judge (FTC), Baloda Bazar. The applicant is in custody since 6-4-2017.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.

6. On the other hand, the Panel Lawyer appearing for the State opposed the bail application.
7. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody since 6-4-2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 20,000/- along with one personal bond of the like sum to the satisfaction of the 1st Additional Sessions Judge (FTC), Baloda Bajar, with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge