

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4660 of 2017**

Rajesh Kumar Gupta S/o Gulabchand Gupta, Aged About 29 Years R/o Camp 1, Ambedkar Nagar, Ghupchup Mohalla, Police Station Chhawani, District Durg, Civil & Revenue District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O., Police Station Ajak, District Durg, Chhattisgarh.

---- Respondent

For applicant	Mr. Purnendu Khichariya, Adv.
For Respondent/State	Mr. Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****1-11-2017**

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. Perused the copy of the charge sheet produced by counsel for the applicant in connection with Crime No. 4/2017, registered in police station AJAK, Distt. Durg (CG) for offence punishable under Section 376 of I.P.C. and Section 3(1)(xii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and also heard counsel for the parties.
3. Prosecution story in brief is that prosecutrix is 24 years old and a member of scheduled tribe. On 29-11-2016, she met with applicant Rajesh Kumar Gupta in Hearbal Health Gurukul Marketing Company, Durg. On 16-12-2016 the applicant again met with her and told her that he has helped her in the interview thus she should give him party. Then the applicant and the prosecutrix went Shitla Hotel, Durg. Due to night, the applicant booked two rooms in the said hotel. Both the prosecutrix and the applicant eaten meals. It is alleged that the

applicant had mixed some toxic substance in the meal of the prosecutrix thus she became unconscious. In the morning at about 4 am, the prosecutrix saw that said applicant is with her in the bed. The prosecutrix inquired to him then he told that he wants to marry with her. Thereafter said applicant physically exploited her continuously. On 28-2-2017 the prosecutrix lodged FIR in concerned police station.

4. Charge sheet has already been filed. The applicant is in custody since 19-5-2017.
5. Mr. Purnendu Khichariya, 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 19-5-2017, 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. 25,000/- along with one personal bond of the like amount to the satisfaction of the trial Court concerned 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