

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4685 of 2017**

Rameshwar Rajwade S/o Kanhaiya Lal Rajwade Aged About 23 Years R/o Karma, Police Station - Pantora, District - Janjgir-Champa Chhattisgarh, At Present Ramayan Chowk, Chantidih, Police Station Sarkanda, District-Bilaspur, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh, Through Police Station- Sarkanda, District-Bilaspur, Chhattisgarh

---- Respondent

For the Applicant	:	Shri UKS Chandel, Advocate
For the Non-applicant	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

01/11/2017

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. 183/2017 registered at Police Station Sarkanda, District Bilaspur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the prosecutrix is near about 21 years old and already married with Pappu Shrivastava and residing in Ramayan Chowk, Chantidih, Bilaspur, near about 8-9 months prior to 11/03/2017 applicant Rameshwar Rajwade, who was neighbour of the prosecutrix promised her to marry and committed sexual intercourse

with her, then it was continued. On 11/03/2017 prosecutrix given application in Police Station, Sarkanda on strength of it FIR was lodged there.

4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, charge-sheet has already been filed and the applicant is in jail since 06/05/2017, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to these circumstances and other facts of the case, there is no possibility of the tempering of the evidence, there is no possibility of the absconding of the said applicant, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application of Rameshwar Rajwade filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant **Rameshwar Rajwade** furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he will appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge