

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4903 of 2017**

Dashrath Markam S/o Sukhdev Markam, Aged About 27 Years R/o Village Pandey Athgaon, Police Station & Tahsil Farasgaon, District Kondagaon, Chhattisgarh. Presently R/o Police Camp Basing, District Narayanpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Narayanpur District Narayanpur, Chhattisgarh

---- Respondent

For the Applicant	:	Shri B.D. Guru, Advocate
For the Non-applicant	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**03/11/2017**

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.63/2017 registered at Police Station Narayanpur, District Narayanpur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is near about 26 years old. There was the love affair between the prosecutrix and the present applicant. They lived together since 2010 to 2013 as husband and wife and there was physical relationship between them. Subsequently said applicant married with another girl, thereafter prosecutrix given an application to the Police Station Narayanpur and

the FIR was lodged.

4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, charge-sheet has been filed and the applicant is in jail since 22/05/2017, 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 filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 20,000/- along with a personal bond in the like sum to the satisfaction of the concerned 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 cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge