

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4921 of 2017**

- Mahesh Ram Pal S/o Shri Atmaram Pal, Aged About 23 Years R/o Belaudi, P.S. Magarlod, District Dhamtari, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara, District Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Smt. Indira Tripathi, Advocate.

For Non-applicant : Shri Surya Kant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.11.2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.

2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 304/2017 registered at Police Station – Tikrapara, District – Raipur (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 23 years old and resided at Hanuman Nagar, Mathpara, Raipur. Since back 2 years, love relation was development between the prosecutrix and the present applicant -Mahesh Ram Pal. They

had physical relationship. The applicant had given her promise to marry. Ultimately, the said applicant refused to perform marriage with the prosecutrix. The prosecutrix gave an application in the police station – Tikrapara and on the strength of which, the FIR was lodged.

4. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the case, therefore, he may 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, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, applicant is in custody since 06.06.2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.

7. Consequently, the bail application is allowed.

8. It is directed that if the applicant 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 Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and will cooperate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE