

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5808 of 2017**

Mahesh Kadiyam S/o Late Sadharam Kadiyam Aged About 25 Years
R/o Village Katulnar (Kalarpara), Police Station Geedam District
Dantewada CG

---- Applicant

Versus

State of Chhattisgarh through the Station House Officer Police Station
Jangla District Bijapur Chhattisgarh

---- Non-applicant

For applicant	:	Shri S.K. Agrawal, Adv.
For non-applicant/State	:	Shri Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**C A V Order****26-10-2017**

1. I have heard counsel for the parties and perused the copy of the charge sheet produced by counsel for the applicant.
2. As per the application, there is no other bail application pending in any other Court. It is the second bail application. Earlier bail application was dismissed by this Court as withdrawn with liberty to file a fresh bail application on behalf of the applicant after filing of the charge sheet. As per the prosecution case, prosecutrix is a worker of Anganbadi and posted at village Pengla. She is near about 19 years old. The engagement had been performed between the applicant and the prosecutrix on 28-5-2016 with the consent of both families. They were familiar to each other. Applicant used to go to the house of the prosecutrix frequently and used to stay in the night at the house of the prosecutrix. Before and after said engagement, applicant had committed sexual intercourse with the prosecutrix so many times saying that he would marry with her. After the engagement the applicant refused to marry with the prosecutrix. Thereafter prosecutrix gave an application to Police Station Jangla where an F.I.R. under

Section 366 and 376 of the I.P.C. has been lodged. Applicant was arrested in connection with Crime No. 9/2017 on 3-6-2017.

3. It has been earlier mentioned that charge sheet has already been filed against the applicant.
4. Looking to the fact and circumstances of the case, looking to the fact that there is no apprehension of absconding of the applicant, there is no possibility that the applicant will influence the witnesses cited in the charge sheet, this Court is inclined to give benefit of the provision of Section 439 of the Cr.P.C. Consequently, it is ordered that if applicant Mahesh Kodiyam furnishes one solvent surety of Rs. 10,000/- along with one personal bond of the same amount to the satisfaction of the Chief Judicial Magistrate, Bijapur with the conditions that, he will appear before the CJM, Bijapur/trial Court, as the case may be, by 11 am as and when directed till trial and he will not temper the evidence, then he be released on bail.
5. It is made clear that if the applicant violates any condition then trial Court is authorized to cancel the bail order passed by this Court.
6. Copy of the charge sheet be returned to the counsel of the applicant.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge