

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1557 of 2018

- Laxman Sinha S/o Bahur Singh Sinha Aged About 37 Years R/o Village Semhar Bandha, Police Station And Tahsil Ambagarh Chauki, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant : Mr. S.S. Baghel, Advocate.

For Non-applicant : Mr. U.N.S. Deo, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

13.04.2018

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 charge-sheet provided by the learned counsel for the State in connection with crime No. 254/2017 registered at Police Station – Ambagarh Chauki, District - Rajnandgaon (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. In brief, the prosecution story is that prosecutrix is near about 35 year old, resident of village – Semhar Bandha, Tehsil – Ambagarh Chauki, District – Rajnandgaon. On 24.11.2014 the applicant had committed forcible sexual intercourse with her in her house when she

was alone. Thereafter till 26.11.2017, he continues to commit sexual intercourse with her on pretext of marriage. Ultimately, applicant refused to marry. Thus, prosecutrix lodged report in police station – Ambagarh Chauki.

4. The charge-sheet has been filed.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to the circumstances and other facts of the case, looking to the fact that the applicant is in custody since 27.11.2017, there is no likelihood of the applicant to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the M.Cr.C. is allowed.
9. 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 he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE