

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3692 of 2018**

Prem Sai Ram S/o Rambilas, Aged About 45 Years R/o Village Kodwa, P.S. And Tahsil Kusmi, District- Balrampur-Ramanujanj, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station Kusmi, District- Balrampur-Ramanujanj, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Jitendra Shrivastava, Advocate
For the State	:	Shri Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/07/2018**

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. 26/2018 registered at Police Station Kusmi, District Balrampur-Ramanujanj (C.G.) for the offence punishable under Sections 342, 366, 376(2)(f) of Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is near about 38 years old and resident of village Devsarakala. Prior to 9 years filing the written complaint by prosecutrix, applicant had committed sexually intercourse continuously with the prosecutrix

giving threatening to kill her and her husband.

4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case and the applicant is in jail since 21/04/2018, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances 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, that the applicant is in jail since 21/04/2018, 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