

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4843 of 2018

- Safique Khan @ Daddu S/o S/o Gulsher Khan, Aged About 23 Years R/o Station Para Rajnandgaon, P. S. Chikhli, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through City Kotwali Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant : Ms. Sunita Sahu, Advocate.

For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03.10.2018

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 case diary provided by the learned counsel for the State in connection with crime No. 288/2018 registered at Police Station – City Kotwali Baloda Bazar, District – Baloda Bazar (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 22 years. Since back 2010 there was a love affair between prosecutrix and the applicant. Applicant had committed repeated sexual intercourse with the prosecutrix. Three years back they performed the

marriage. Prosecutrix delivered a child.

4. 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.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. Looking to these 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, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Accordingly, the present 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.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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE