

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5637 of 2018**

- Rupesh Mishra S/o Late Devendra Mishra Aged About 26 Years R/o- Amraiypara Chowki Manikpur, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Outpost Manikpur, P.S. Kotwali, District- Korba, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Wasim Miyan, Advocate.

For Non-applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29.08.2018**

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. 814/2017 registered at Police Station – Manikpur, District – Korba (C.G.) for the offence punishable under Sections 376(2)(n) and 506B of the Indian Penal Code.
3. Case of the prosecution, in brief is that the prosecutrix is near about 21 years old. She is resident of Amraiya Para, Korba. There was a love affair between the prosecutrix and the applicant since back 4 years. Applicant had committed sexual intercourse with her so many times on pretext of marriage. Thereafter, he refused to marry with her, abused her and given threatening to

kill her.

4. The applicant is in custody since 27.12.2017.
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, however, submits that there is no antecedent against the applicant.
7. 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, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.30,000/- along with a personal bond of 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