

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5626 of 2018**

Lalchand Mandavi S/o Jangalram Mandavi Aged About 37 Years
R/o- Village Kilepaar, P.S. Narharpur, District-North Bastar,
Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House In-Charge-
Police Station Kanker, District- North Bastar, Kanker,
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sandeep Shrivastava, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**28/08/2018**

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. 254/2018 registered at Police Station Kanker, District North Bastar, Kanker (C.G.) for the offence punishable under Sections 376, 294, 323, 506 and 450 of IPC.
3. Case of the prosecution, in brief is that the prosecutrix is aged near about 44 years old and resident of Shanti Nagar, Kanker. From 12-13 years ago the applicant was used to exploit money from her, he had committed sexual intercourse with her. He had given threatening that he will get kill her husband by naxalite. Her husband is working as Police personnel.
4. Learned counsel for the applicant submits that applicant is innocent

and 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.
6. Looking to the above mentioned facts and circumstances of the case and as per the statement of the Govt. Advocate there is no antecedent against the applicant, 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. 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 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge