

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5632 of 2018**

- Ranjit Jaiswal S/o Late Bhimsen Jaiswal Aged About 21 Years R/o- Village Sinduri, Police Station- Kasdol, District- Sahdol, Madhya Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S. Janakpur, Civil And Revenue District- Korea, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Kamlesh Kumar Pandey, Advocate.

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****28.08.2018**

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. 37/2018 registered at Police Station – Janakpur, District – Korea (C.G.) for the offence punishable under Sections 366, 376, 343/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is more than 18 years old on 22.03.2018. she is resident of Pachwar Para, district – Korea. On 22.03.2018 applicant and Rahul Yadav taken away her and kept in Shahdol where applicant has committed forcible sexual intercourse with her and performed marriage with her forcibly.

4. The applicant is in custody since 03.04.2018.
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. As per the alleged affidavit it has been mentioned that there was a love affair between her and the applicant and to get the registration for marriage they have sworned the affidavit.
8. 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.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. 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.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE