

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6170 of 2018**

Mohan Lal Netam S/o Dhasu Ram Netam Aged About 26 Years R/o
Village Baniyagaon P.S. Bhanpuri, District- Bastar (C.G.).

---- Applicant

Versus

State Of Chhattisgarh Through P.S. - Bhanpuri, District - Bastar
(C.G.).

---- Respondent

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

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**04/10/2018**

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 counsel for the State in connection with the Crime No. 63/2018 registered at Police Station Bhanpuri, District Bastar (C.G.) for the offence punishable under Section 376 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is near about 28 years old, she is resident of Village Bhanpuri. Last year applicant had committed sexual intercourse with the prosecutrix on pretext of marriage. Thereafter he committed sexual intercourse repeatedly with the prosecutrix on pretext of the marriage. Thereafter he refused to marry with her.
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. He further submits that there is no antecedents against the applicant.

6. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence and the trial will take its own time, 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

Kamde