

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5851 of 2018**

Birendra Margiya S/o Shivcharan Margiya Aged About 35 Years  
R/o- Dhaneli Kanhar, Police Station- Korar, District- North  
Bastar, Kanker, Chhattisgarh., District : Kanker, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police  
Station- Korar, District- North Bastar, Kanker, Chhattisgarh.,  
District : Kanker, Chhattisgarh.

---- Respondent

|                   |   |                                 |
|-------------------|---|---------------------------------|
| For the Applicant | : | Shri Raj Kumar Pali, Advocate   |
| For the State     | : | Shri Sumit Jhawar, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****31/08/2018**

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. 35/2018 registered at Police Station Korar, District North Bastar, Kanker (C.G.) for the offence punishable under Sections 376 and 506 of IPC.
3. Case of the prosecution, in brief is that the prosecutrix is near about 24 years old and resident of Shriram Nagar, Kanker. Since back one year prosecutrix had the intimacy with the applicant. Since March 2018 applicant had committed so many times sexual intercourse with her on pretext of marriage.
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, 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. 30,000/- 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