

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5913 of 2018**

Madanlal Paikra S/o Janak Sai Aged About 22 Years Caste Kanwar
R/o Jamjhor, Police Station Bagbahar, Tehsil Pathalgaon Distt.
Jashpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Chowki
Kotaba, Police Station Bagbahar, Distt. Jashpur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Arun Kumar Shukla, Advocate
For the State	:	Shri Neeraj Sharma, Dy. Govt. Advocate

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. 79/2018 registered at Police Station Bagbahar, District Jashpur (C.G.) for the offence punishable under Sections 376, 323 and 506 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is aged about 19 years old. She is resident of village Jamjhor. On 02/07/2018 applicant forcefully taken away the prosecutrix in the bathroom and committed forcibly sexual intercourse with her, given threatening to kill her and her family members. Earlier also applicant had committed forcible sexual intercourse 4 – 5 times with the prosecutrix.
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, 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