

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6198 of 2018**

- Ashish Gupta S/o Shri Rameshwar Gupta Aged About 24 Years Occupation Agriculturist, R/o Village Putsura, P. S. Balrampur, Distt. Balrampur-Ramanujganj Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through The Station House Officer, Police Station Chando, Distt. Balrampur-Ramanujganj Chhattisgarh

---- Non-applicant

For Applicant : Mr. P.K. Patel, Advocate.

For Non-applicant : Mr. S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

11.10.2018

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. Case diary not produced. Photocopy of charge sheet was produced.
3. The applicant has been arrested in connection with crime No. 21/2018 registered at Police Station – Chando District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376(2) (N), 294, 506 of the Indian Penal Code and Section 3(2)(V) of the SCST Act, 1989.
4. Case of the prosecution, in brief is that prosecutrix is near about 22 years old. She is resident of village Karcha. She is a member of

scheduled caste, applicant is neither member of scheduled caste nor scheduled tribe. In April-May, 2017 and thereafter applicant committed sexual intercourse with prosecutrix on pretext of marriage. Thereafter, he ran away leaving the prosecutrix.

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.

7. In the true copy of the arrest memo of the applicant which is part of the charge-sheet it has been mentioned that there is no antecedent against the applicant.

8. Looking to these 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.25,000/- along with a personal bond in the 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