

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6114 of 2018**

Umesh Shrivastava S/o Antulal Aged About 19 Years R/o- Village
Gandhinagar Ratanpur, P.S. Ratanpur, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Aarakshi Kendra Ratanpur, District-
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Nitansh Kumar Jaiswal, Advocate
For the State	:	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**06/10/2018**

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.229/2018 registered at Police Station Aarkshi Kendra Ratanpur, District Bilaspur (C.G.) for the offence punishable under Section 376 of IPC.
3. Case of the prosecution, in brief is that on 01/01/2017 prosecutrix was more than 16 years old. She is resident of village Sahsa. On 01/01/2017 and thereafter he committed sexual intercourse with the prosecutrix on the pretext of the marriage. Thereafter applicant 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, 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