

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6191 of 2018**

- Bharat Singh S/o Badavan Singh Aged About 28 Years Caste Kanwar, R/o Village Pandripani, P. S. Kusminda, Chowki Hardi Bazar Tahsil Katghora Distt. Korba CG

---- Applicant

**Versus**

- State Of Chhattisgarh Through P. S. Kusmunda, Chowki Hardi Bazar Distt. Korba CG

---- Respondent

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| For applicant        | Mr. B.L. Dembhra, Adv. |
| For Respondent/State | Mr. Vasim Miyan, PL.   |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****4-10-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 43/2018 registered in police station Kusmunda Chowki Hardi Bazar, Distt. Korba (CG) for offence punishable under Section 376 of the IPC.
3. Prosecution story in brief is that the prosecutrix is aged about 28 years and resident of village Pandripani. Four- five years ago, the applicant committed repeated sexual intercourse with the prosecutrix on the pretext of marriage. Thereafter he refused to marry with her.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However he submits that no criminal antecedent of the applicant is reported in the police case diary.
6. Looking to the above facts and circumstances of the case,

looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.

7. CC as per rules.

**Sd/-**  
**(Sharad Kumar Gupta)**  
**Judge**