

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6342 of 2018**

Ajay Ratre S/o Radheshyam Ratre Aged About 21 Years By Caste
Satnami R/o Pani Tankey Nursery Mohalla Korba Police Station
Kotwali Korba Tahsil And District Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Korba Police
Station Kotwali Korba District Korba Chhattisgarh.

---- Respondent

For the Applicant	:	Shri S.B. Pandey, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/10/2018**

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.311/2018 registered at Police Station Kotwali Korba, District Korba (C.G.) for the offence punishable under Sections 376, 384, 506 of IPC.
3. Case of the prosecution, in brief is that the prosecutrix is near about 22 years old. She is resident of Gandhi Chowk Jaiswal Gali, Korba. There was friendship between applicant and the prosecutrix. In the month of August 2017 prosecutrix had gone in his house on his invitation. He had offered her cold drink, after drinking the same she become semi unconscious. Thereafter applicant forcibly committed sexual intercourse with her. She had not disclosed the said incident to anyone on account of threat. He was blackmailing her and getting money from her saying that he has shoot the video on said incident and shall viral it.
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, 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 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