

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6833 of 2018**

Bhuneshwar Kaushik S/o Krishna Kaushik Aged About 22 Years R/o Village Belmundi, Tahsil Takhatpur, District Bilaspur Chhattisgarh Present Address Yadunandan Colony, Tifra, P.S. Sirgitti, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Sirgitti, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri C.P. Lahre, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30/10/2018**

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.266/2018 registered at Police Station Sirgitti, District Bilaspur (C.G.) for the offence punishable under Section 376 of IPC.
3. Case of the prosecution, in brief is that on prosecutrix is aged about 20 years old, she is resident of village Ameri. She and applicant both were liking to each other. 15 days after from 01/09/2016 applicant committed repeated sexual intercourse with her on pretext of marriage. Thereafter he did not performed the marriage with her.
4. Learned counsel for the applicant submits that he 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 ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of Rs. 25,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde