

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6836 of 2018**

Pawas Sharma, S/o Shri Mahendra Sharma, aged about 33 years, R/o Street No.22, Shanti Nagar, Bhilai, District Durg (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Supela, District Durg (CG).

---- Non-applicant

For Applicant : Dr. N.K.Shukla, Sr. Advocate with Ms. Abhiyunnati Singh, Advocate.

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12.10.2018**

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. Perused the case diary provided by the learned counsel for the State in connection with Crime No.610/2018 registered at Police Station Station House Officer, Police Station Supela, District Durg for the offence punishable under Section 376(2)(e) of Indian Penal Code.
3. Case of the prosecution, in brief is that the prosecutrix is working as Staff Nurse in Apollo Hospital since back year 2012. Her age is 30 years old. The applicant is working as Doctor in Apollo Hospital since back year 2012. In the month of March, 2012 the applicant committed sexual intercourse with her by giving promise to perform marriage with her. He was making continuously physical relationship with her on the pretext of marriage due to which she procured one female child. The

prosecutrix knew that the applicant also solemnized marriage with another woman in the year 2016. From the month of June 2016, the applicant stopped to meet with her and his daughter.

4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. However, he further submits that no criminal antecedent is reported against the applicant in police case diary.

6. I have heard counsel for the parties and perused the case diary with utmost circumspection.

7. Looking to the above mentioned facts and circumstances of the case, looking to the judicial precedent laid down by Supreme Court in the matter of ***Yedla Srinivasa Rao Vs. State Andhara Pradesh*** reported in **2006 (8) Supreme 326**; and further in the matter of ***Deepak Gulati Vs. State of Haryana*** reported in **2013 AIR SCW 2987** and further looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

9. 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 shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE