

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6787 of 2018**

Prafful Lakra S/o Donatus Lakra Aged About 25 Years Caste Uraun,
R/o Village Bachraun (Bendopani) Tehsil Bagicha, Police Station
Narayanpur, District Jashpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Narayanpur, District Jashpur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Awadh Tripathi, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/10/2018**

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.32/2018 registered at Police Station Narayanpur, District Jashpur (C.G.) for the offence punishable under Section 376 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is near about 23 years old. She is resident of village Bachraun. She was acquainted with the applicant. On 07/10/2017 near Ambatoli Dam he had committed forcibly sexual intercourse with her. Thereafter he committed sexual intercourse with her. She was become pregnant. Thereafter she refused to marry with her.
4. 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. As per the certified copy of the statement of the prosecutrix recorded under Section 164 of CrPC applicant had taken the prosecutrix in his house.
7. 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.
8. 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde