

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6870 of 2018**

- Gandsuram Nag S/o Manu Ram Aged About 26 Years Caste - Gond, R/o Modebedma, P.O. Urandabeda, Tahsil - Farasgaon, District - Kondagaon, CG

----Applicant

Versus

- State Of Chhattisgarh Through Aarakshi Kendra, Urandabeda, District - Kondagaon, CG

---- Respondent

For applicant	Mr. Vikash Shrivastava, Adv.
For Respondent/State	Mr. R.K. Pandey, PL.

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 his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 7/2018 registered in police station Urandabeda, Distt. Kondagaon (CG) for offence punishable under Section 376 of the IPC.
3. Prosecution story in brief is that the prosecutrix is aged about 20 years. On 27-4-2018 she had gone to attend the call of nature at the bank of river. Applicant caught hold her, threatened to kill and forcibly committed sexual intercourse. The husband of the prosecutrix reached there for her search. After seeing, the applicant ran away. As per statement of the husband of the prosecutrix, near the bank of river, the prosecutrix and the applicant had met him. He inquired from the prosecutrix as to who was in her company, she did not tell anything to him.
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 there is no criminal antecedent of the applicant 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