

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6867 of 2018**

- Karam Say Nag S/o Jahar Say Nag Aged About 21 Years R/o Kadro, Police Station Bagbahar, District - Jashpur, CG

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station - Bagbahar, District - Jashpur, CG

---- Respondent

For applicant	Mr. Manoj Chauhan, 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. 19/2018 registered in police station Bagbahar (CG) for offence punishable under Section 363, 366 and 376, IPC.
3. Prosecution story in brief is that 13-10-2017, the prosecutrix was aged about more than 16 years. She is resident of village Kadro. There was love affair between the applicant and the prosecutrix. She used to meet him. On 13-10-2017, the applicant took her by enticing on the pretext of marriage and committed sexual intercourse with her.
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 no criminal antecedent of the applicant is 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