

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6872 of 2018**

Shatrughan Temre, aged about 20 years, S/o Shri Dilip Temre, R/o Kodagaon, Tahsil and District Uttar Bastar Kanker (CG).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, District U.B. Kanker (CG).

---- Non-applicant

For Applicant : Mr. Parag Kotecha, Advocate.

For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****31.10.2018**

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 counsel for the State in connection with Crime No.92/2018 registered at Police Station Charama, District U.B. Kanker for the offence punishable under Sections 341, 376, 506 of IPC.
3. Case of the prosecution, in brief is that the prosecutrix was aged about 20 years on the date of incident. She is resident of village Udkuda. In the month of October, 2017 at about 2:00 pm, three persons covered their faces by towel and committed sexual intercourse with her. During Test Identification Parade (TIP), she identified the present applicant. As per enclosed photocopy of statement of prosecutrix recorded under Section 164 of CrPC, she has stated that she likes the applicant and

they committed sex voluntarily as a result she became pregnant. She narrated false information to her family members.

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. 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 these facts and circumstances of the case, 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

L/-