

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7064 of 2018**

Banmali Jhali, S/o Shankar Jhali, aged about 22 years, residing at Bunkar Para Village Bajawand, P.S. Nagarnar, District Bastar (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Nagarnar, District Bastar (CG).

---- Non-applicant

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate.

For Non-applicant : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26.10.2018**

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.128/2018 registered at Police Station Nagarnar, District Bastar for the offence punishable under Section 376 of Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is aged about 18 years old. She is a resident of village Tiranga Chowk, Nayamunda, Jagdalpur. The applicant continuously committed sexual intercourse with her on the pretext of marriage since back February, 2018 and, thereafter, he refused to marry with her.
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/-