

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7652 of 2018**

Lokesh Kumar Yadav S/o Late Prabhuram Yadav Aged About 23 Years R/o Village Mohla, Ward No. 01 Telitola , Thana Mohla District Rajnandgaon Chhattisgarh. **---- Applicant**

Versus

State Of Chhattisgarh Through Police Station -Chilhati District Rajnandgaon Chhattisgarh. **---- Non-applicant**

For Applicant : Mr. Abdul Wahab Khan, Advocate.
 For Non-applicant : Mr. Neeraj Kumar Sharma, Dy.Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

26.11.2018

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.5/2018 registered at Police Station Chilhati, District Rajnandgaon for the offence punishable under Section 376 of IPC.
3. Case of the prosecution, in brief is that the prosecutrix is aged about 26 years old. She is resident of village Singhabhadi. Since August, 2017 applicant had committed repeatedly sexual intercourse with her on the pretext of marriage and, thereafter, he refused to marry with her, then prosecutrix lodged a report against him in police station.
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 reported against the applicant in police case diary.
6. 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. Accordingly, the bail application is allowed.

7. 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.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-