

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8532 of 2018**

1. Sunil Uraon S/o Amar Singh Uraon Aged About 27 Years R/o- Jamachua, Police Station- Sakti, Janjgir, Present Address- Pandri Pani, Police Station- Balco, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
2. Narsimha Uraon S/o Beersai Uraon Aged About 36 Years R/o- Pandri Pani, Police Station- Balco, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Balco Nagar, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Dharmesh Shrivastava, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**04/12/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.145/2018 registered at Police Station Balco Nagar, Korba District Korba (C.G.) for the offence punishable under Section 376 (2)(g) of IPC.
3. Case of the prosecution, in brief is that prosecutrix is about 32 years old. She is resident of village Rishdi. In the intervening night 28-29.03.2018 at village Rishdi, applicants committed forcibly sexual intercourse with her.
4. Learned counsel for the applicants submits that they have innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.

6. As per the certified copy of the statement of the prosecutrix recorded by the trial Court which is part of the bail application prosecutrix turned total hostile and not supported the prosecution case.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if the applicants furnish one solvent surety for a sum of Rs. 25,000/- each along with a personal bond of Rs. 25,000/- each to the satisfaction of the concerned Court with the condition that they shall appear before the trial Court at 11.00 am as and when directed till trial and they would cooperate during the trial, they shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde