

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8494 of 2018**

Ramesh Sahu, son of Shri Budhru Ram Sahu, aged about 34 years, R/o Village Dandesara, Police Outpost Jevra, Sirsa, P.S. Pulgaon, Tahsil & District Durg (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Pulgaon, District Durg (CG).
---- Non-applicant

For Applicant : Mr. B.P. Sharma, Advocate with Mr. M.L. Sakat, Advocate.
 For Non-applicant : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.11.2018

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.285/2018 registered at Police Station Pulgaon, District Durg for the offence punishable under Section 376 of IPC and Section 3(1)(xii) of SC & ST (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that prosecutrix is aged about 28 years old. She is a resident of Ram Nagar, Muktidhaam, Bhilai. Since back 05 years from 16.08.2018 to onwards, the applicant committed repeatedly sexual intercourse with her on the pretext of marriage and, thereafter, he refused to marry with her. Later on, he told her that he has already married man.
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. He further submits that there is a delay of five years in lodging FIR when applicant refused to give money to her then she lodged false report against him and she was already married woman hence the applicant 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. As per photocopies (Annexure A/2 & A/3), the prosecutrix was already

married woman.

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. Accordingly, the bail application is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-