

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8724 of 2018**

Jashmuddin S/o Kayuddin Aged About 45 Years R/o Chitna , Police Station And Tahsil Gadwa ,district Gadwa Jharkhand ., District : Garhwa *, Jharkhand .

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer ,police Station Kusmi District Balrampur-Ramanujanj Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Varunendra Mishra, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/12/2018**

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.15/1995 registered at Police Station Kusmi, District Balrampur-Ramanujanj (C.G.) for the offence punishable under Sections 363, 366, 376/34 of IPC read with Section 3(1)(2) of SC, ST (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that on 25/02/1995 prosecutrix was about 17 years old. She is resident of village Karcha. On 25/02/1995 applicant and co-accused Nandeshwar took her in different places and applicant committed repeatedly sexual intercourse with her.
4. Learned counsel for the applicant submits that he has 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 applicant.
6. 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 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 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 cooperate during the trial, he shall be released on bail.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
 Judge