

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8909 of 2018**

Devendra Malhotra, aged about 40 years, S/o Shri Bhuneshwar Malhotra, R/o Village Mohgaon, O.P. Gidhpuri, P.S. Palari, District Balodabazar Bhatapara (CG).
---- Applicant

Versus

State of Chhattisgarh, through O.P. Gidhpuri, P.S. Palari, District Baloda Bazar Bhatapara (CG).
---- Non-applicant

For Applicant	: Mr. Anchal Kumar Matre, Advocate.
For Non-applicant	: Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.12.2018

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.455/2018 registered at Police Station Palari, Balodabazar, District Balodabazar Bhatapara for the offence punishable under Sections 376, 323 of IPC.
3. Case of the prosecution, in brief is that on 20.06.2018 the prosecutrix was aged about 27 years old. On 20.06.2018 the applicant took her and kept her in his house as a wife and committed repeatedly sexual intercourse with her. When his wife returned back in the house then he started to beat her and, thereafter, he ousted 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 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/-