

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9039 of 2018**

Ravi Dubey, S/o late Rajendra Dubey, aged about 25 years, R/o Village Ward No.11, Tikripara Gandai, District Rajnandgaon (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Gandai, District Rajnandgaon (CG). **---- Non-applicant**

For Applicant	: Mr. Abhishek Sharma, Advocate.
For Non-applicant	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.12.2018

1. Case diary is not produced.
2. 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.
3. Perused the copy of charge-sheet provided by the counsel for the applicant in connection with crime No.208/2018 registered at Police Station Gandai, District Rajnandgaon for the offence punishable under Sections 376 of IPC and Section 3(2)(v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
4. Case of the prosecution, in brief is that the prosecutrix is a member of Scheduled Tribe. She is a resident of village Saikin Gandai. The applicant is neither a member of Scheduled Caste nor Scheduled Tribe. On 26.08.2017, she was more than 19 years of age. From 26.08.2017 to onwards, the applicant committed repeatedly sexual intercourse with her due to which she became pregnant. Thereafter, he refused to marry with her.
5. 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.
6. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant.
7. As per enclosed photo copy of arrest memo, which is a part of charge-sheet, no criminal antecedent reported against the applicant.

8. 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.

9. 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.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-