

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 125 of 2019**

- Jethuram Pardhi S/o Fhalgo Pardhi Aged About 35 Years R/o Satation Para, Belsonda, Police Station- Mahasamund, Tahsil And District- Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Aarang, District- Raipur, Chhattisgarh

----Non Applicant

For the Applicant : Shri Pushkar Sinha, Advocate

For Non Applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11.03.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.438/2018 registered at Police Station- Aarang, District- Raipur (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 32 years old. She is resident of village Belsonda District Mahasamund. On 26/09/2018 at about 17:30 hours, near the Aarang Shaktinala, applicant committed forcible sexual intercourse with her.
4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. As per the certified copy of the statement of the prosecutrix dated 18/02/2019 recorded by trial Court which is the part of the bail application, prosecutrix had told that applicant had beaten her, thus she had gone to Police Station Aarang to lodge report regarding this matter. He had not committed sexual intercourse with her.
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 applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned Trial Court with the condition that he will 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul