

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 367 of 2019**

Krishna Das Mahant S/o Moti Das Mahant Aged About 26 Years R/o Syahimudi ,police Station Darri ,district Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Ajak Korba Chattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Dharmesh Shrivastava, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01/02/2019**

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.166/2018 registered at Police Station Ajak, Korba, District Korba (C.G.) for the offence punishable under Section 376, 294, 506 of IPC and Section 3(2)(5) of SC & ST (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that prosecutrix is about 27 years old. She is resident of Village Nawagaonkala. She is member of Scheduled Tribe. Applicant is neither member of Scheduled Caste nor Scheduled Tribe. From 01/09/2017 onwards applicant had committed repeatedly sexual intercourse with her on pretext of marriage. She became pregnant. He refused to marry with her abused her and gave threats to kill her.
4. Learned counsel for the applicant submits that he is 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