

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 346 of 2019**

Shivdayal Yadav @ Pinnu son of Kunj Lal Yadav, aged about 32 years, R/o Arasnara, P.S. Nandini, District Durg (CG). **---- Applicant**

Versus

State of Chhattisgarh, through District Magistrate, District Durg (CG).

---- Non-applicant

For Applicant : Mr. Jitendra Gupta, Advocate.
For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.02.2019

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.1022/2018 registered at Police Station Chowki Padnabhpur, District Durg for the offence punishable under Section 376 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 25.06.2018 the prosecutrix was aged about 25 years old. She is a resident of village Arasnara. On 25.06.2018, the applicant took her and committed repeatedly sexual intercourse with her. Prior to 25.06.2018, he had taken her obscene photos and gave threatening to her that he will disrepute her in the public.
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 bail application, however, he submits that no criminal antecedent is 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/-