

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 649 of 2019**

Mangatu Ram Netam S/o Bullu Ram Netam Aged About 30 Years R/o Village Jodekera, Police Out Post Banskot District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Makri, District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri P.K. Tulsyan, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/02/2019**

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.54/2018 registered at Police Station Makri, District Kondagaon (C.G.) for the offence punishable under Section 366, 376 of IPC.
3. Case of the prosecution, in brief is that on 04/04/2018 prosecutrix was more than 17 years of age. She is resident of village Themgaon. On 04/04/2018 applicant forcefully set her on his motorcycle and committed sexual intercourse with her on field, thereafter he committed repeatedly sexual intercourse with her. She became pregnant by six months.
4. As per the true copy of the statement of the prosecutrix recorded under Section 164 of CrPC it has not been mentioned that applicant had set her on his motorcycle forcefully.
5. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.

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 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde