

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 893 of 2019**

- Budhsan Pandey S/o Vidya Pandey Aged About 25 Years Caste Pandey R/o Village Pallibhatha, Kesarpal. Police Station Bhanpuri District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station Bhanpuri District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

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| For Applicant     | : Mr. Punit Ruparel, Advocate.  |
| For Non-applicant | : Mr. SRJ Jaiswal, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order On Board**

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**19.02.2019**

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 learned counsel for the State in connection with crime No. 10/2019 registered at Police Station – Bhanpuri District Bastar (C.G.) for the offence punishable under Sections 376 and 506 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 30 years old. She resident of village Kesarpal, Pahli Bhanta. In November, 2017 applicant had committed forcible sexual intercourse with her and gave threats to kill her. Thereafter he again committed sexual intercourse twice. On 20.06.2018 in Auto he used criminal force on her body to outrage her modesty.
4. Learned counsel for the applicant submits that the 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, he submits that there is no antecedent against the applicant.
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, 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 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)  
**JUDGE**