

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 966 of 2019**

- Shyam Bihari S/o Bholaram Aged About 30 Years Caste-Teli, R/o Village-Baskar, Police Station-Jhilmili, Tahsil- Bhailyathan, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Jhilmili, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. S.S. Rajput and Mr. S.K. Kushwaha, Advocates.
For Non-applicant : Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.02.2019**

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. 09/2019 registered at Police Station – Jhilmili, District- Surajpur, (C.G.) for the offence punishable under Sections 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 19 years old. She is resident of village Navgai. On 20.01.2019 at about 4 am applicant entered in the room under possession of the prosecutrix and committed forcible sexual intercourse with her.
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. As per the affidavit of the prosecutrix which is part of the bail petition she had stated that a dispute was arisen between the applicant and her husband on account of payment of money. She had not lodged any report against applicant regarding rape and molestation.
7. 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE