

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 997 of 2019

- Jailal Mandavi S/o Shri Ramsingh Mandavi Aged About 26 Years R/o Village Jobtola, Tehsil And Police Station Ambagarh Chauki, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through The Police Station Ambagarh Chauki, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Malay Shrivastava and Mr. S.S. Baghel, Advocates.
For Non-applicant	: Ms. S. Mishra, Govt. Advocate and Mr. Arup Goyal, Panel Lawyer

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

14.03.2019

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. 95/2017 registered at Police Station – Ambagarh Chauki, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376, 506 of the Indian Penal Code and Sections 4, 8 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 27.05.2017 prosecutrix was more than 16 years of age. She is resident of village Jobhtola. On 27.05.2017 at about 9 pm applicant took her by giving threats to kill her. On 29.05.2017 he committed sexual intercourse with her in the forest. On 30.05.2017 outside the village Kahgaon her father met them, seeing father of the prosecutrix applicant ran away.
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