

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1374 of 2019**

- Mohammad Afsar S/o Moulana Mustak Aged About 30 Years R/o Jamribakshpura, Post- Peltoul, District- Chatra, Jharkhand.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station- Mahila Thana, District- Bilaspur, Chhattisgarh.

---- Respondent

For applicant	Mr. Punit Ruparel, Adv.
For non-applicant/State	Mr. Wasim Miyan, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12-3-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 43/2018 registered in police station Mahila Thana, Distt. Bilaspur (CG) for offence punishable under Section 376 and 506 of the IPC.
3. Prosecution story in brief is that on 12-8-2015 the prosecutrix was more than 16 years of age and she was resident of Mangla Chowk, Bilaspur. On 12-8-2015 onwards, the applicant committed repeatedly sexual intercourse with her on the pretext of marriage. She gave birth to a child. The applicant deserted both of them and ran away.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail.
5. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
6. Looking to the above facts and circumstances of the case, as trial will take its own time, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge