

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1398 of 2019

Tahalu @ Tahal Tarak, S/o Shri Nandkumar Tarak, aged about 30 years,
R/o Village Koma, Post Office, Police Station & Tahsil Rajim, District
Gariyaband (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Rajim,
District Gariyaband (CG). **---- Non-applicant**

For Applicant	: Mr. Shivendu Pandya, Advocate.
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13.03.2019

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 counsel for the State in connection with crime No.03/2019 registered at Police Station Rajim, District Gariyaband for the offence punishable under Section 376 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 02.01.2019 the prosecutrix was aged about 27 years old. She is a resident of village Koma. On 02.01.2019 at about 7:00 p.m. at village Koma, the present applicant called the prosecutrix on the roof of her house and pressed her mouth and committed sexual intercourse with her. After searching, her mother namely Kanti Bai reached at the spot.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. However, he submits that no criminal antecedent of the applicant is reported in police case diary.
6. Looking to the above facts and circumstances of the case, 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. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-