

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1393 of 2019**

Nikesh Kumar, S/o Suklal Sahu, aged about 21 years, R/o Urkura, Mathpara,
Near Tulsi Talab, Police Station Khamtarai, Tahsil and District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Khamtarai, District Raipur (CG).

---- Non-applicant

For Applicant	: Mr. T.K. Jha, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

02.04.2019

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.127/2018 registered at Police Station Khamtarai, District Raipur for the offence punishable under Sections 450, 376 of IPC and Section 3(i)(s), 3(i)(w), 3(2)(v) of Scheduled Caste & Scheduled Tribe Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that on 13.07.2017 the prosecutrix was aged about 23 years old. She is a resident of village Rampur, Korba. She is a member of Scheduled Caste. On 13.07.2017 at about 22:30 hrs. at Urkura Mathpara, the applicant entered into the house of prosecutrix and committed forcibly sexual intercourse with her. When she told that she will lodge report, the applicant promised to marry with her and, thereafter, he refused to marry with her.
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. He further submits that there is delay in lodging the FIR for 7 ½ months and prosecutrix has filed an affidavit in support of bail application of the applicant, 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 is reported against the applicant 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/-