

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1415 of 2019

- Sunder Shyam Paikra S/o Madho Paikra Aged About 20 Years R/o Village Latuva, Police Station City Kotwali, Baloda Bazar, Civil And Revenue District Baloda Bazar Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through Police Station Kasdol (O.P. Lavan) Civil And Revenue District Baloda Bazar Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

|                   |                                     |
|-------------------|-------------------------------------|
| For Applicant     | : Mr. Adil Minhaj, Advocate         |
| For Non-applicant | : Mr. Ashutosh Pandey, Panel Lawyer |

Hon'ble Shri Justice Sharad Kumar Gupta  
Order On Board

26.03.2019

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. 31/2019 registered at Police Station – Kasdol (O.P. Lavan) Civil And Revenue District Baloda Bazar Bhatapara (C.G.) for the offence punishable under Sections 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that in the year 2018, prosecutrix was more than 16 years old. She is resident of village Karda. She and applicant had liking for each other. There was a love affair between them. He had committed repeated sexual intercourse with her on pretext of marriage.
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**