

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1815 of 2019**

- Gautam Kesari S/o Nankishore @ Nandu Gupta Aged About 26 Years R/o Village Namnakala Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ajak Ambikapur, District Surguja Chhattisgarh

.....Non Applicant

For the Applicant : Shri Shakti Raj Sinha, Advocate

For Non Applicant : Shri SRJ Jaiswal, 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 applicants 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.06/2019 registered at Police Station- Ajak Ambikapur, District- Surguja (C.G.) for the offence punishable under Sections 376(2)(n), 323, 313, 468, 471 of Indian Penal Code, 3 (2-5) of S.T.S.C. (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that prosecutrix is about 23 years old and she is resident of Ambikapur. She is member of Scheduled Tribe. During the pendency of Special Case No.123/2017 applicant promised prosecutrix that he will marry her. They started to live as husband and wife. Applicant committed repeatedly sexual intercourse with her. She became pregnant. On 07.02.2018 applicant beat her by fists and hands and caused injury on her abdomen. Later on miscarriage was happened. Applicant had executed agreement regarding marriage.
4. Learned counsel for the applicant submits that 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, submits that 2 other criminal cases have been registered against the applicant.
6. As per the certified copy of the judgment dated 07.07.2018 passed by Special Judge (Atrocities) Surguja Ambikapur prosecution case was that marriage of prosecutrix was solemnized with Deepak Netam in the year 2012.
7. Looking to the 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 applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul