

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1723 of 2019**

Vishun, son of Basant, aged about 27 years, Caste Gond, R/o Village Dharampur, Police Station and Tahsil Pratappur, District Surajpur (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Pratappur, District Surajpur (CG).
---- Non-applicant

For Applicant : Mr. V.K. Pandey, Advocate.
 For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

27.03.2019

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.09/2019 registered at Police Station Pratappur, District Surajpur for the offence punishable under Sections 376 & 450 of IPC.
3. Case of the prosecution, in brief is that on 19.01.2019 the prosecutrix was aged about 25 years old. She is a resident of village Dharampur. On 19.01.2019 in the night she was alone in her house and her husband had gone on duty at Sugar Factory, Kerta. At that time, the applicant had entered in her house and on the point of knife, he committed forcibly sexual intercourse with her. When her husband came to house, the applicant fled away from there after seeing of her husband.
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. She further 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 and looking to the material available on record, 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/-