

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1888 of 2019

- Sunil Vaishnav S/o Bharat Vaishnav Aged About 25 Years Caste Vaishnav, R/o Village Nandelibhatha, Police Station And Tahsil Sakti, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Korba, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Ishwar Jaiswal, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

03.04.2019

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 learned counsel for the State in connection with crime No. 103/2019 registered at Police Station – Korba Kotwali, District – Korba (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 23 years old. She is resident of village Gevrabasti, Kusmunda. On 03.10.2018 applicant took her in Rajhotel, Sitamani, Korba. He put vermilion on her forehead and told that now he is her husband. Thereafter, he committed repeated sexual intercourse with her. She became pregnant. Thereafter he refused to recognise her and gave threats to kill her.
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