

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2115 of 2019**

Abhishek Gupta, son of Santosh Gupta, aged about 23 years, Caste Saundik, Occupation Private Job, Temporarily, R/o Namnakala Colony, P.S. Gandhinagar, Tahsil Ambikapur, District Surguja, Permanent resident of village Dharmi, P.S. Ramchandrapur, District Balrampur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Gandhinagar, District Surguja (CG). **---- Non-applicant**

For Applicant	: Mr. C.Jayant K. Rao, Advocate.
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

10.04.2019

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.16/2019 registered at Police Station Gandhinagar, District Surguja for the offence punishable under Sections 366, 376, 384 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 22.12.2018 the prosecutrix was more than 18 years of age. She is resident of village Mahuapara. She and applicant were friends. On 22.12.2018, he took her by enticing on pretext of marriage and committed repeatedly sexual intercourse with her. He had also taken her obscene photographs by his mobile and, thereafter, on 05.01.2019 he again took her and committed sexual intercourse with her by given threatening that he shall viral her obscene photographs in public.
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. 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/-