

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2385 of 2019

- Pintu @ Sumit Kesharwani S/o Mahesh Kesharwani Aged About 30 Years Occupation Engineer In Private Company, R/o Dashrangpur, Police Station Pipariya, District Kabirdham Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Incharge, Police Chowki Dashrangpur, Police Station Pipariya, District Kabirdham Chhattisgarh

---- Non Applicant

For the Applicant : Shri Santosh Bharat, Advocate

For Non Applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board29.04.2019

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.96/2019
3. registered at Police Station- Police Chowki- Dashrangpur, Police Station-Pipariya, District- Kabirdham (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
4. Case of the prosecution, in brief is that prosecutrix is about 25 years old. She is resident of village Dashrangpur. Three years prior to 28.03.2019 applicant had committed forcible sexual intercourse with her in the field. He gave threats to kill her. Thereafter, he again committed forcible sexual intercourse with her on 11.03.2019 and again gave threats to kill her.
5. 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.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
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