

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2560 of 2019**

- Santosh S/o Bhola Vishwakarma Aged About 43 Years Occupation- Labour, R/o Atal Awas A-Block, Quarter No.10, Kawardha, Police Station And Tahsil-Kawardha, District- Kabirdham, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-S.Lohara, District- Kabirdham, Chhattisgarh

----Non Applicant

For the Applicant	:	Shri Dharmesh Shrivastava, Advocate
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For Non Applicant	:	Shri SRJ Jaiswal, Panel Lawyer
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Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.04.2019**

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.60/2019 registered at Police Station- S. Lohara, District-Kabirdham (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 27 years of age. She is resident of Kawardha. On 26.03.2019 at village Vachedhi applicant, his friend Santosh, prosecutrix and her Jethani Lata Rao had sat near the kitchen garden of Papaya from 2:00 am to 10:00 pm. At about 10:00 pm applicant took prosecutrix in the field and committed sexual intercourse with her. On 01.04.2019 prosecutrix lodged an FIR in Police Station Sahaspur, Lohara.
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 there is no criminal antecedent against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the bail application is allowed, 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.
7. Certified copy as per rules.

Sd/-**(Sharad Kumar Gupta)**

Judge

Parul