

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2660 of 2019**

- Girdhari Ratnakar S/o Shayamlal Aged About 30 Years R/o Village - Pand, Police Station Sakri, Civil And Revenue District Bilaspur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, District Bilaspur Chhattisgarh

----Non Applicant

For the Applicant : Shri K.P.S. Gandhi, Advocate

For Non Applicant : Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.05.2019**

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.203/2019 registered at Police Station- Civil Line, District- Bilaspur (C.G.) for the offence punishable under Sections 450, 376 of Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 19 years old. She is resident of village Mangla Chowk Bilaspur. On 17.03.2019 she was alone in her house. About 19:30 hours applicant entered in her house and committed forcible sexual intercourse with her. At that time her sister Raj Nirmalkar reached there and shouted, applicant ran away from the spot.
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 and he further submits that prosecutrix was the consenting party.
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