

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2822 of 2019

- Bhuneshwar Prasad Nirmalkar S/o Shri Hiralal Nirmalkar Aged About 31 Years Mul Sthan Gram Malhar Thana And Chowki Malhar Thana Masturi Tahsil Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Aarkshi Kendra Sarkanda, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Tarun Dadsesna, Advocate.
 For Non-applicant : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

09.05.2019

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. 326/2019 registered at Police Station – Sarkanda District – Bilaspur (C.G.) for the offence punishable under Sections 417, 376, 506 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 32 years of age. She is resident of village Tenganmada. There was a love affair between her and applicant. From the year 2014 onwards he committed repeatedly sexual intercourse with her on pretext of marriage. Thereafter he refused to marry 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 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, 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