

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2723 of 2019

Maheshwar Das Manikpuri, S/o Thanwar Das Manikpuri, aged about 25 years, R/o Village Dhourabhata, Thana Kasdol, District Baloda Bazar-Bhatapara (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Thana Kasdol, Sub Divisional Officer (Police), District Baloda Bazar Bhatapara (CG). **---- Non-applicant**

For Applicant	: Mr. Deepak Jain, Advocate.
For Non-applicant	: Mr. K.K. Singh, Govt. Advocate

Hon'ble Smt. Justice Rajani Dubey
Order On Board

27.05.2019

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 counsel for the State in connection with Crime No.58/2019 registered at Police Station Kasdol, District Baloda Bazar-Bhatapara for the offence punishable under Section 376 of Indian Penal Code and Section 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that the applicant committed sexual intercourse with her on the pretext of marriage and, thereafter, he had married with another girl. After the marriage, he again made relation with the prosecutrix due to which she became pregnant.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent person 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.
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; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.

7. 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 shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

8. Certified copy as per rules.

SD/-

(Smt. Rajani Dubey)
Vacation Judge

L/-