

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2774 of 2019**

Sumit Shrivastava, S/o late Rajendra Shrivastava, aged about 21 years,
R/o Purani Basti Ward No.17, Manendragarh, Police Station
Manendragarh, District Korea, presently residing at Jaitpur Matiya (M.P.).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Ajak, Baikunthpur, District
Korea (CG).

---- Non-applicant

For Applicant	: Mr. T.K. Jha, Advocate.
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

10.05.2019

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.03/2019 registered at Police Station Ajak Baikunthpur, District Korea for the offence punishable under Sections 376(2)(a), 323, 506, 417 of IPC and Sections 3(2)(V), 3(2)(V- a) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that on 07.07.2018, the prosecutrix was aged about 20 years old. She is resident of village Pendradafai. She is a member of Scheduled Caste. She and applicant had relation with each other. On 07.07.2018, he put vermilion on her forehead and put on necklace on her neck at Siddh Sai Baba Temple, Manendragarh, Thereafter, he had committed repeatedly sexual intercourse with her and said that he is her husband and, thereafter, he refused to marry with her.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent 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 prayer for grant of bail to the applicant. He further submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above facts and circumstances of the case, the bail application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-