

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2845 of 2019**

- Mukhtar Singh S/o Sardar Swarn Singh Aged About 29 Years R/o 5/14, 1368 Gali Ali Musiya Insai - 5, Girwala Gate Chowk Chabutara Amritsar (Punjab)

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh

----Non Applicant

For the Applicant : Mr. Avinash Chand Sahu, 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.348/2019 registered at Police Station- Out Post Smriti Nagar P.S. Supela, District- Durg(C.G.) for the offence punishable under Sections 376, 506, 509 of Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 29 years old. She is resident of Sanatan Nagar, Kohta, Bhilai. On 17.03.2019, applicant was stayed in her house and in the night, he committed forcible sexual intercourse with her. On 19.03.2019, he took her Amritsar by enticing and committed repeatedly sexual intercourse with her. On 06.04.2019, he took her Bhilai and committed repeatedly sexual intercourse with her giving threatening to kill her. He had taken her obscene photographs in his mobile.
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, 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