

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 3190 of 2019

- Vipul Patne S/o Kamlakar Patne Aged About 32 Years R/o 32 Acre Housing Board Jamul Tehsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Jamul District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant : Mr. A.C. Sahu, Advocate.

For Non-applicant : Mr. W. Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board25.06.2019

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. 175/2019 registered at Police Station – Jamul District – Durg (C.G.) for the offence punishable under Sections 363, 366, 376, 506 of the Indian Penal Code and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 10.01.2019 prosecutrix was more than 17 years of age. She is resident of Bhilai. On 10.01.2019 he took her forcibly at Rajputana Lodge and committed forcible sexual

intercourse with her, gave threats to kill her. Thereafter he committed repeatedly sexual intercourse with her after giving 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 these 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