

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3238 of 2019**

Dileshwar Ware S/o Ramnath Ware Aged About 22 Years R/o Sarsiva, Police Station- Sarsiva, Tahsil- Bilaigarh, District- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar- Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Pujipathara, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Manoj Kumar Jaiswal, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**26/06/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.36/2019 registered at Police Station Punjipathara, District Raigarh (C.G.) for the offence punishable under Section 376 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is about 19 years old. She is resident of village Lendra. There was the love affair between her and applicant. On 01/10/2018 he committed sexual intercourse with her on pretext of the marriage. On 27/11/2018 applicant took her by enticing on pretext of marriage and committed repeatedly sexual intercourse with her.
4. Counsel for the applicant submits that he is innocent and 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. He further submits that no criminal antecedents 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 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 cooperate during the trial, he shall be released on bail.

7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde