

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3736 of 2019**

Tuman Lal Dadsena, aged about 26 years, son of Mulchand Dadsena,
Resident of village Mograpali, P.S. Bagbahara, District Mahasamund (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station
Khamtarai, District Raipur (CG).

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.

For Non-applicant : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.06.2019**

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 counsel for the State in connection with Crime No.46/2019 registered at Police Station Khamtarai, District Raipur for the offence punishable under Sections 376 of IPC and Section 3(2)(5) (Atrocities Act) SC,ST Act.
3. Case of the prosecution, in brief is that the prosecutrix was aged about 35 years old. She is a member of Scheduled Tribe and resident of village Pandari, Raipur. From the month of December, 2017 onwards, the applicant committed repeatedly sexual intercourse with her on the pretext of marriage 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 bail application. However, 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.

(Sharad Kumar Gupta)

JUDGE

L/-