

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4045 of 2019**

- Manish Shukla S/o Shri Heeralal Shukla Aged About 29 Years R/o Kududand, Milan Chowk, Police Station- Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Civil Line, Civil And Revenue District- Bilaspur, Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri K.P.S. Gandhi, Advocate
For Non Applicant	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29.07.2019**

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.349/2019 registered at Police Station- Civil Line, District- Bilaspur (C.G.) for the offence punishable under Sections 375, 376 of Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 20 years old. She is resident of Kududand, Bilaspur. Since one year there was the love affair between her and applicant. He committed sexual intercourse with her on pretext of the marriage. On 23.05.2019, he came in her house and committed forcible sexual intercourse with her

on pretext of the marriage. She became pregnant. He refused to marry her.

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 may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that two other criminal cases have been registered against the applicant, out of which one under IPC and one under CrPC.
6. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, 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 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 be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

pm