

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5155 of 2018**

- Jaiprakash S/o Jagmohan Aged About 55 Years R/o Village Khamhariya P. S. And Tahsil Udaipur District Surguja CG

---- Applicant

Versus

1. Kumari Sharda Ravi D/o Viranram Ravi Aged About 45 Years Caste Harijan, Village Khamhariya Chowki Udaipur P. S. Lakhanpur, District Surguja CG
2. State Of Chhattisgarh, through District Magistrate Ambikapur, District : Surguja, Chhattisgarh

---- Respondent

For applicant	Mr. Shaktiraj Sinha, Adv.
For non-applicant No. 2	Mr. Ishant Sharma, PL.
For non-applicant	None.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25-3-2019**

1. Despite service of notice upon non-applicant No. 2, none appears on her behalf.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
3. The applicant has been arrested in connection with Complaint Case No. 469/2012 pending in the Court of A.S.J. (FTC), Ambikapur Sarguja (CG) for offence punishable under Section 452, 363, 366, 294, 323, 506-B, 376 of the IPC.
4. Record of Complaint Case No. 469/2012 (ST No. 20/2018) of the Additional Sessions Judge, FTC, Ambikapur perused.
5. Prosecution story in brief is that a complaint case was registered against the applicant and co-accused Ramratan under Sections 363, 366, 294, 323, 506-B, 376 of the IPC. Complaint case was also registered against the co-accused Jagmohan and Jaipal under Section 452, 363, 366, 292, 506-B, 376/109, 120-B of the IPC. On 26-2-2018, the applicant and co-accused Ramratan were declared as absconder by the trial Court. Co-accused Jaipal has been enlarged on bail by a coordinate bench of this Court on 9-5-2018. The trial Court has also granted bail to co-accused Jagmohan. Applicant Jaiprakash

was arrested in the execution of warrant of arrest on 27-4-2018 and since then he is in jail.

6. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail.
7. On the other hand, the State Counsel opposed the bail application.
8. Looking to the above facts and circumstances of the case, as the trial will take its own time, application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future and he shall not leave the territory of State of Chhattisgarh without prior permission of the trial Court, he be released on bail.
9. Record of the trial Court be returned back immediately.
10. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge