

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4704 of 2019**

- Rajesh Tonde S/o Shri Dharam Tonde Aged About 31 Years R/o Village- Navagaon, Ghuteli, Police Station- City Kotwali, District- Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, City Kotwali, District- Mungeli, Chhattisgarh

---- Respondent

For applicant	Mr. Dharendra Pandey, Adv.
For Respondent/State	Mr. Dharmadhikari, PL

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****14-8-2019**

1. 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.
2. The applicant has been arrested in connection with Crime No. 399/2019 registered in police station City Kotwali, Distt. Mungeli (CG) for offence punishable under Section 498-A, 376, 323, 506 and 34 of IPC.
3. Prosecution story in brief is that complainant/prosecutrix is aged about 24 years old. She is a resident of village Navagaon. The applicant is her husband. Marriage of applicant was solemnized with the complainant/ prosecutrix in the year 2013. He was harassing her. He caused injury on her ankles of both legs by a pestle on 17-6-2019. He also abused her and threatened to kill her. On 18-6-2019 co-accused Bhagwat Prasad committed forcible sexual intercourse with her.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However, no criminal antecedent of the applicant is reported in the police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant

is in custody since 30-3-2018, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the 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 Court concerned with the condition that he will appear before the concerned Court at 11 AM as and when directed till trial, he be released on bail.

7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge