

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7660 of 2018**

Ajay Yadav S/o Babulal Yadav Aged About 26 Years R/o Village
Jamthan, Police Station Janakpur, District Korea Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Janakpur, District Korea Chhattisgarh.

---- **Respondent**

For the Applicant	:	Shri Anil Gulati, Advocate
For the State	:	Shri I. Lakra, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****14/01/2019**

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. Case diary is not produced. Perused the photocopy of memo of arrest provided by the counsel for the applicant in connection with the Crime No.69/2018 registered at Police Station Janakpur, District Korea (C.G.) for the offence punishable under Section 376 of IPC.
3. Case of the prosecution, in brief is that prior two years prosecutrix was 24 years old. She is resident of village Toja. Since two years back to 21/06/2018 and onwards applicant committed sexual intercourse with the prosecutrix on the pretext of marriage. Consequently she became pregnant and gave the birth of male child. Later on applicant performed marriage with another woman.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. As per the photocopy of the memorandum of arrest of applicant which is part of the charge-sheet, no antecedent have been reported against him.
7. Looking to the 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge