

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.9067 of 2018**

Arjun Hemla, S/o late Shri Dularam Hemla, aged about 23 years, R/o Village Chilnar, Pamalvaya, Thana Bijapur, District Bijapur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Bijapur, Civil and Revenue District Bijapur (CG). **---- Non-applicant**

For Applicant : Ms. Madhunisha Singh, Advocate.
For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****07.01.2019**

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.59/2018 registered in Police Station Bijapur, District Bijapur for the offence punishable under Sections 376, 506B of Indian Penal Code.
3. Prosecution story in brief is that the prosecutrix was aged about 19 years old on the date of incident. She is a resident of village Tumnaar, Dongripara. There was love affair between her and applicant. The applicant had committed sexual intercourse with her on the pretext of marriage.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail to the applicant. He submitted that two criminal cases under of IPC have already been registered against the applicant in police case diary.
6. As per enclosed certified copy of statement of prosecutrix recorded by the trial Court dated 3.12.2018 which is a part of the bail application in which she turned hostile and has not supported the prosecution case.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.
8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial 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 co-operate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-