

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9392 of 2018**

Durga Prasad Pobiya @ Durgesh S/o Shobharam Pobiya Aged About  
22 Years R/o Kamla Nagar, Beladula, Police Station Chakradhar  
Nagar, Raigarh, Tahsil And District Raigarh Chhattisgarh

---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police  
Station Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh

---- **Respondent**

|                   |   |                                   |
|-------------------|---|-----------------------------------|
| For the Applicant | : | Shri Ashish Gupta, Advocate       |
| For the State     | : | Shri I. Lakra, Dy. Govt. Advocate |

**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****08/01/2019**

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. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.346/2018 registered at Police Station Chakradhar Nagar, Raigarh, District Raigarh (C.G.) for the offence punishable under Section 376, 506 of IPC.
3. Case of the prosecution, in brief is that the prosecutrix is aged about 19 years old. She is resident of Kamla Nagar, Beladula Raigarh. In the intervening night of 18-19/09/2018 applicant committed forcible sexual intercourse with her in his house. He had also given threatening to kill her. Thereafter he had committed repeatedly sexual intercourse with her, on giving the threatening that he will viral his photographs.
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. He further submits that no criminal antecedents against the applicant.
6. 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.
7. Certified copy as per rules.

Sd/-  
(Sharad Kumar Gupta)  
Judge