

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9373 of 2018**

Manishankar Khande S/o Late Faguram Khande Aged About 41 Years
(Wrongly Mentioned As Khandey In The Order Of Learned Court
Below) R/o Village Chhoti Koni Daihanpara Koni, Police Station Koni
District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer ,police Station
Koni ,civil And Revenue District Bilaspur Chhattisgarh., District :
Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Sunita Sahu, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

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.205/2018 registered at Police Station Koni, District Bilaspur (C.G.) for the offence punishable under Section 376 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is aged about 30 years old. She is resident of village Sildaha. Applicant who was already married and father of two children committed repeatedly sexual intercourse with her on pretext of marriage. Thereafter he refused to marry with her.
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. Counsel for the applicant further submitted that matter has been compromised and prosecutrix is not inclined to take any legal action against the applicant. He drew my attention on the true copy of the application addressed to the SHO, Police Station Koni. In that true copy it has been mentioned that she is not inclined to take any action against the applicant. That photocopy of the application is part of the bail petition.
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

Kamde