

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9467 of 2018**

- Umapati Nag S/o Uday Nath Nag Aged About 20 Years R/o Village- Karanpur, Police Station- Nagarnaar, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Nagarnaar, Jagdalpur, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Vikash Shrivastava, Advocate
For Non-applicant	: Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Case diary not produced. Counsel for the applicant produced photocopy of the charge sheet.
3. The applicant has been arrested in connection with crime No. 90/2018 registered at Police Station- Nagarnaar, Jagdalpur, District- Bastar (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code.
4. Case of the prosecution, in brief is that on 02.06.2017 prosecutrix was more than 16 years old. She is resident of village Karanpur. On 02.06.2017 applicant took her by enticing on the pretext of marriage. Thereafter, he had committed sexual intercourse with her. On becoming pregnant, applicant refused to marry her.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. As per the photocopy of the arrest memo of the applicant which is part of the charge sheet it has been mentioned that no antecedent has been reported against the applicant.
8. As per the certified copy of the statement of the prosecutrix which is part of the bail petition, she and her parents turned hostile.
9. 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, 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 Trial Court with the condition that he will 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE