

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9810 of 2018

- Dinesh Kumar Chandrawanshi S/o Shri Baldau Prasad Chandrawanshi Aged About 44 Years R/o Village Chardongari, Police Station - Pipariya, Tahsil - Kawardha, District - Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - District Mgistrate Kabirdham / Station House Officer, Police Station - Pipariya, District - Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Dharmesh Srivastava, Advocate
For Non-applicant	: Mr. Sumit Jhanwarl, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

17.01.2019

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. Perused the case diary provided by the learned counsel for the State in connection with crime No. 116/2018 registered at Police Station – Pipariya, District - Kabirdham, (C.G.) for the offence punishable under Sections 456, 376, 506 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix was more than 32 years old. She is resident of village Nawapara, Chardongari. On 20.05.2018 at about 11 pm applicant and the husband of the prosecutrix Naresh Sahu were eating and drinking in the house of Naresh Sahu. After sometime Naresh Sahu sent applicant to bring axe. Thereafter, applicant pressed her mouth took her in a room, committed sexual intercourse with her, meanwhile Naresh Sahu returned back and saw the incident.
4. 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.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the photocopy of the Samjhoitanama which is part of the bail petition, matter has been compromised and prosecutrix has no objection in release of the applicant on bail.
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, 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE