

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9712 of 2018**

Inzmamul Ansari Alias Pintu S/o Reyazuddin Ansari Aged About 24 Years R/o Village Batwahi Masjipara ,police Station And Tahsil Lundra ,district Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Lundra ,district Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri V.K. Pandey, Advocate
For the State	:	Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**16/01/2019**

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.148/2018 registered at Police Station Lundra, District Surguja (C.G.) for the offence punishable under Section 376 & 384 of IPC read with Section 3(2) (V) of the SC & ST (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that prosecutrix is about 23 years old. She is resident of village Batwahi Khaspara. There was the intimacy between her and applicant. Applicant had taken the photographs of him and prosecutrix. On 14/09/2018 in the night he entered in her house and committed forcible sexual intercourse with her giving threatening that he will viral her objectionable photographs. As per the photocopy of the statement of the prosecutrix recorded under Section 164 of CrPC applicant had taken her nude photographs showing the knife except it he had not done anything with her.
4. Prosecutrix is the member of Scheduled Tribe. Applicant is neither the member of Scheduled Caste not Scheduled Tribe.
5. Learned counsel for the applicant submits that he has innocent and

falsely implicated in the present case, therefore, he shall be released on bail.

6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
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