

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9706 of 2018**

Ajay Kumar Awasthi S/o Anil Awasthi Aged About 25 Years R/o Near
Shiv Mandir Gangamunda Jagdalpur, District Bastar Chhattisgarh
---- **Applicant**

Versus

State Of Chhattisgarh Through The Police Station Bodhghat District
Bastar Chhattisgarh
---- **Respondent**

For the Applicant : Smt. Madhunisha Singh, Advocate
For the State : Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15/01/2019**

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.101/2018 registered at Police Station Bodhghat, District Bastar (C.G.) for the offence punishable under Section 450, 366, 376, 506, 201 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is aged 24 years old. She is resident of Sheetla Para, Kanker. In the intervening night of 04.04.2018 and 05.04.2018 at Sheetala Para, Kanker applicant had entered in the house of prosecutrix took her in the lonely place and committed forcible sexual intercourse 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. As per the certified copy of the statement of the prosecutrix recorded by the trial Court, which is the part of bail application, she turned hostile and stated that a quarrel was happened with the applicant, thus he lodged the report against him.
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