

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9806 of 2018**

Nanku Singh @ Nanhu S/o Ram Prasad Aged About 21 Years R/o Khajuri(Nawapara), P. S. Darima, Tahsil Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Darima, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Jitendra Shrivastava, Advocate
For the State	:	Shri I. Lakra, Dy. G.A.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**17/01/2019**

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. Case diary is not available. Photocopy of the arrest memo provided by the counsel for the applicant in connection with the Crime No.103/2018 registered at Police Station Darima, Ambikapur District Surguja (C.G.) for the offence punishable under Section 376 (2)(N) of IPC.
3. Case of the prosecution, in brief is that prosecutrix is aged about 21 years old. She is resident of village Saskalo. In January 2018 applicant had committed forcible sexual intercourse with the prosecutrix. Thereafter he 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.
6. As per the photocopy of the arrest memo of the applicant no criminal antecedents has been reported 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

Kamde