NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9909 of 2018

Rakesh Vaishnav, S/o Gangadas Vaishnav, aged about 26 years, R/o Village Khamtarai, Police Station Sarkanda, District Bilaspur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Sakri, District Bilaspur (CG). **---- Non-applicant**

For Applicant : Mr. G.V. Kutumba Rao, Advocate.
For Non-applicant : Mr. I. Lakra, Dy.G.A.

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 counsel for the State in connection with crime No.195/2018 registered at Police Station Sakri, District Bilaspur for the offence punishable under Section 376 of Indian Penal Code.

3. Case of the prosecution, in brief is that the prosecutrix was aged about 30 years at the time of incident and she is a widow woman. She is a resident of village Nayapara, Bilaspur. From April, 2018 and onwards, the applicant committed repeatedly sexual intercourse with her on the pretext of marriage. He kept her in a rental house at Uslapur.

4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent reported against the applicant in police case diary.

6. 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; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.

7. 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 shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-