

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9876 of 2018

- Vinod Soni S/o Jalandhar Soni Aged About 37 Years R/o Village Near Kumharpara School Jagdalpur District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kotwali, District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant	: Mr. P.K. Tulsyan, Advocate.
For Non-applicant	: Mr. Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

12.04.2019.

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. 215/2018 registered at Police Station – Kotwali, District Bastar (C.G.) for the offence punishable under Sections 294, 506, 323, 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 21 years old. She is resident of village Nalpawad. On 17.06.2018 at about 3 pm near NMDC Chowk Jagdalpur applicant forcibly seated her on his taxi, abused her, beat her and gave threats to kill her and committed sexual intercourse with her.
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 certified copy of the statement of the prosecutrix dated 03.04.2019 recorded by the trial Court she turned hostile and not identified applicant who committed forcible sexual intercourse with her.
7. Looking to the above mentioned 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