

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3008 of 2021**

- Kishan Nirmalkar S/o Naresh Nirmalkar Aged About 27 Years R/o Village Rudri Basti, Police Station Rudri, District Dhamtari Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Of Police Station City Kotwali Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate.
For Respondent	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31.05.2021**

- Proceeding through video conferencing.
- Heard.
- Admit.
- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 172/2021 registered at Police Station –City Kotwali Dhamtari, District Dhamtari (C.G.) for the offence punishable under Sections 376 & 506 of the IPC.
- The allegation against the present applicant is that he established the physical relations with the prosecutrix on the pretext of marriage and threatened her to viral the obscene photos of her.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submitted that the prosecutrix is a major lady aged about 24 years and there was love affair between them. He further added in his submission that no obscene photographs of the victim has been seized by the prosecution. As the applicant is in jail since 08.04.2021, he may be released on bail.
- Per contra, learned State counsel opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Considering the totality of the facts and circumstances of the case, nature of allegation, I am of the opinion that present is a fit case to release the applicant on bail.
- Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
- It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

**Sd/-
(Rajani Dubey)
Vacation Judge**

V/-