

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6790 of 2019**

- Ajeet Kshatriya S/o Suresh Kshatriya Aged About 36 Years, R/o Devri (K) P.S. Gunderdehi, District Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Gunderdehi, District Balod, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. N. S. Dhurandhar, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/12/2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 226/2019 registered at Police Station-Gunderdehi, District-Balod (C.G.) for the offence punishable under Sections 376, 384, 511, 323 of the IPC and 67 of the I.T. Act.
2. The prosecution story, in brief is that prosecutrix lodged a report that on 03.06.2019 the applicant administered some substance in the cold-drink of the prosecutrix, on which she went unconscious and when she awake, she found herself on the bed without cloths and the applicant was attempting to molest her. On her agitation, the applicant showed her obscene photographs taken by him and threat to viral the same. Thereafter, the applicant sent the obscene photograph to the mobile phone of her brother-in-law and demanded Rs. 5 lakhs from him and Rs. 2 lakhs from the prosecutrix. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He

further submits that there was a love affair between both the parties and the age of the prosecutrix is above 35 years. The applicant is in jail since 29.06.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the age of the prosecutrix is above 35 years and the present applicant is in jail since 29.06.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed, subject to following conditions:
 - That, the applicant will furnish a specific, undertaking that while on bail, he will not try to threat the witnesses, otherwise bail granted to him will be liable to be cancelled and shall co-operate the prosecution during trial.
 - That, the accused/applicant will make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant will not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
 - That, the accused/applicant will not act, in any manner, which will be prejudicial to fair and expeditious trial.
 - That, he will furnish a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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

