

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6383 of 2020**

- Aamir Khan, S/o Ajim Khan, aged about 23 Years, Residing at Fajal Bada Ward No. 34 Gandhi Nagar Juna Bilaspur Police Station City Kotwali Bilaspur District Bilaspur Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through - the Police Station Chakarbhata District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	Shri P.K. Tulsyan, Advocate.
For State	Shri Dinesh Tiwari, Deputy G.A.
For Objector	Shri Govind Dewangan, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

26/11/2020

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 31.07.2020 in connection with Crime No.186/2020 registered at Police Station- Chakarbhata, District Bilaspur, C.G. for the offence punishable under Sections 376 and 384 of Indian Penal Code.
2. Allegation against the applicant is that he established physical relation with the complainant after making her drink intoxicated cold-drink and made the obscene video of their relationship. It is further alleged that the applicant used to threaten the complainant of making the said video viral and on the said threat he continued to have physical relations with her. The applicant also obtained Rs.2 lakhs from the complainant on the said threat.

On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. In her statement recorded under Section 164 of Cr.P.C., the prosecutrix has not supported the prosecution case. The prosecutrix has executed an affidavit before the Court below stating therein that she had love affair with the applicant but due to some dispute she lodged the FIR against him but now the matter has been settled and she has no objection to grant of bail to the applicant. The applicant is in jail since 31.07.2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Learned counsel appearing for the objector submits that he has no objection to grant of bail to the applicant.
6. Heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the manner in which the incident is said to have taken place, in particular no objection on behalf of the prosecutrix to grant of bail to the applicant and that the applicant is in jail since 31.07.2020 and conclusion of trial is likely to take some time, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of

applicant executing a personal bond for a sum of **Rs.50,000/-** with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) He shall 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) He shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh