

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7487 of 2019**

Ramesh Kumar, S/o Lt. Mehatru Ram Yadav, aged about 28 years, R/o Near Sastri Mandir, Balodabazar, District Balodabazar (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Balodabazar, District Balodabazar (C.G.)

----Non-applicant

For Applicant	: Mr. Shakti Raj Sinha, Advocate.
For Non-applicant/State	: Ms. Akshra Amit, Panel Lawyer.
Complainant – Gitanjali @ Madhu Das, W/o Samir Das, is also present in person.	

Hon'ble Smt. Justice Rajani Dubey**Order On Board**

04/02/2020

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 435/2019 registered at police Station Balodabazar, District Balodabazar for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution in brief is that the applicant, on the pretext of marriage, committed sexual intercourse with the prosecutrix and thereafter refused to marry her leading to lodgment of the First Information Report, that too, after the delay of 3 – 4 months from the date of incident.

(3) Learned counsel for the applicant would submit that applicant has been falsely implicated in the crime in question as there is no direct evidence available on record to

connect the applicant with the crime in question. He submits that after making complaint regarding pregnancy of the prosecutrix by her mother, she was medically examined, in which, no pregnancy was found, even otherwise, the applicant is languishing in jail since 06.09.2019, and the FIR is delayed by 3-4 months of the incident and there is no valid and sufficient reasons have been assigned for the said delay; charge sheet has already been filed; and the trial is likely to take some time for its final disposal, and therefore, the applicant is entitled to be released on regular bail. To which, the complainant – Gitanjali @ Madhu Das (mother of the prosecutrix), who is present in the court, has objection.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case, further considering the fact the applicant is in detention since 06.09.2019; charge sheet has already been filed; and the trial is likely to take some time for its final disposal and no further custodial interrogation is required; without further commenting on merits; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:

- That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant shall make himself available for interrogation before the

concerned Investigating Officer as and when required and the accused/applicant 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/her from disclosing such facts to the Court or to any police officer.

- That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

D/-

