

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 161 of 2021**

Hidma Sodhi S/o Late Pandu Sodhi Aged About 27 Years R/o
Nadipara Kawdgaon, Police Station Kateklyan District
Dantewada, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Kateklyan
District Dantewada, Chhattisgarh

---- Respondent

For the Applicant :	Shri P.K. Tulsyan, Advocate
For the State :	Shri Dinesh Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice Gautam Chourdiya**Order On Board****01/04/2021**

1. This is the first bail application under Section 439 of the CrPC for grant of regular bail to the applicant, who has been arrested on 24/11/2020 in connection with Crime No. 32/2020, registered at Police Station Katekalyan, District Dantewada (C.G.) for the offence punishable under Sections 376(2)(n) and 506 of IPC.
2. Case of the prosecution in brief is that the applicant is acquainted with her. On 14/02/2020 at about 11 p.m. the applicant came to her house and committed forcefully sexual intercourse with her. When she started crying and told the applicant of disclosing the incident to her family members, the applicant assured her of marriage and also threatened her. Thereafter the applicant established physical relation with her at her house on the pretext of marriage, as a result of which she got pregnant by four months. When the prosecutrix asked the applicant for marrying her, he refused to marry her and gave her certain medicines for abortion, on the report being lodged to the above effect, aforesaid offence has been registered against the applicant.

3. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated, he submits that prosecutrix and the applicant are major and they belong to the same caste. The present applicant and prosecutrix are bachelor. Learned counsel for the applicant further submits that applicant is in jail since 24.11.2020, conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
5. The prosecutrix has appeared through video conferencing mode along with her counsel Shri Girish Thakur and stated that she was having love affair with the present applicant, now she is ready to marry with the applicant and she has no objection to grant of bail to the present applicant.
6. Considering the facts and circumstances of the case, the detention period of the applicant who is 27 years old, the fact that the applicant and the prosecutrix both are major, the affidavit of the applicant submitted along with covering memo where he has stated that he is ready and willing to marry with the prosecutrix, the statement of the prosecutrix made through video conference from the District & Sessions Court, South Bastar Dantewada that she was having affair with the applicant, she is ready to marry him and has no objection to his release on bail, that they were having physical relation since 14/02/2020, charge-sheet has already been filed, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is allowed, without commenting on merits of the case the application is allowed.
7. It is directed that in the event of the 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 following conditions:-

- (a) 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.
- (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (d) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.
- (e) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge