

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 373 of 2021

- Amit Kumar Yadav, S/o Late Shri Amarbali Yadav, Aged About 29 Years, R/o Patel Chowk Tikrapara Raipur, Police Station- Tikrapara, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through: Police Station Tikrapara Raipur Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Shri Ajay Mishra, Advocate
For Non-Applicant/State	:	Shri Hariom Rai, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 15.12.2020 in connection with Crime No. 723/2019 at Police Station- Tikrapara, District- Raipur (C.G.) for the offence punishable under Section 376, 506 of I.P.C.
2. Case of the prosecution, in brief, is that the present applicant and the prosecutrix had friendship through Facebook (social site) and the present applicant forcibly maintained physical relation with the prosecutrix from 2016 to 2019 on the pretext of marriage and subsequently he refused to perform marriage with her.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits that prosecutrix is major lady, she was consenting party, the applicant and the prosecutrix have visited many places together and maintained continuous physical relation, parents of the prosecutrix were well aware about their friendship, the applicant/accused has no criminal antecedents, charge-sheet has already been filed and 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-Applciant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the applicant and the fact that the prosecutrix is major lady, both prosecutrix and the applicant have visited many places together, looking to the conduct of the prosecutrix, delay in lodging FIR against the applicant, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tempering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
6. 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.

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**

Nadim