

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 332 of 2021**

- Devashish Sheel S/o Duwal Krishna Sheel Aged About 40 Years R/o Narayanpur, District- Narayanpur (C.G.) ---- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Kotwali, District- Rajnandgaon (C.G.) ---- **Non-applicant**

For Applicant : Mr. Aditya Bhardwaj, Advocate.

For State : Mr. C.B . Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****12-03-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 24-12-2020 in connection with Crime No. 272 of 2019 registered at Police Station Kotwali, District Rajnandgaon (CG) for the offence punishable under Sections 376 and 506 of IPC.
2. Case of the prosecution, in brief, is that the prosecutrix was aged about 23 years. She is a resident of village Sivni. She is studying in Nursing College and was living in a hostel. The applicant is the husband of her friend namely Bhartiya Ramteke. He used to call the prosecutrix from the hostel to meet with him giving threat to kill her and spoil her career. Due to fear and shock, she used to

come to meet him from the hostel. In the year 2016 applicant took her in a hotel at Raipur and committed sexual intercourse with her. He used to blackmail her showing her naked photos which were taken in his mobile. Lastly, in the year 2018, he committed forcible sexual intercourse with her in the lodge at Rajandgaon.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Prosecutrix is a major girl aged about 23 years and she was a consenting party. He would further submit that accused and prosecutrix were having relation from 1-5-2016 to 1-8-2018, she lodged an FIR on 10-5-2019 and there is inordinate delay in lodging FIR. He would further submit that no any obscene video or photographs were seized from the applicant. He would further submit that charge sheet has been filed, applicant is in jail since 24-12-2020 and conclusion of the trial is likely to take some time for its final disposal, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, looking to the age of the prosecutrix who is aged about 23 years, accused and prosecutrix were having relation from 1-5-2016 to 1-8-2018,

they were having physical relation number of times in hotels and other places, there was an inordinate delay in lodging the FIR, no any obscene video or photographs were seized from the applicant, looking to the documents submitted by the present applicant along with covering memo, photographs and messages sent to him by prosecutrix in whatsapp, the detention period of the applicant and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs25,000/- each to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this court.

Sd/-

(Gautam Chourdiya)
Judge

Raju