

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 359 of 2021

1. Nitesh Jha S/o Late Karikant Jha, Aged About 21 Years, R/o Nai Gudapara Bastar Ward No. 2, Bastar District Bastar (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Police Station Bastar, District Bastar (C.G.).

---- Non-Applicant

For Applicant	:	Mr Pravin Kumar Tulsyan, Advocate.
For Non-Applicant/State	:	Mr. Amit Singh Chouhan, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22/02/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 13/12/2020 in connection with Crime No. 154/2020 registered at Police Station Bastar, District Bastar (C.G.) for the offence under Sections 354(D), 452, 294, 323, 506(II), 354(B) & 509 of IPC.
- 2) Case of the prosecution, in brief is that the prosecutrix lodged a written report on 13/12/2020 at Police Station Bastar that she came in contact with applicant about 4 years prior to the date of incident, the applicant used to force her for marrying him or else he would defame her. The applicant sent obscene images and video of the prosecutrix to mobile phones of her brother and father and would threat of making the said video viral in the social media if the prosecutrix is not married to him. On 13/12/2020 at around 03:00 PM the applicant had quarreled with the brother of the prosecutrix and when the prosecutrix intervened, the applicant used criminal force against her as also against her father.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that in fact the applicant and the prosecutrix love each other but the prosecutrix lodged a false report on the pressure of her family members. He submits that the applicant is in jail since 13/12/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedent.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant, the applicant is a young offender of 21 years, the charge sheet has already been filed, and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, the offence is triable by Judicial Magistrate First Class and the trial is likely to take some time for disposal, without commenting anything on merits of the case, 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant