

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 374 of 2021

1. Hargendra Singh S/o Indrajeet Singh, Aged About 26 Years, R/o Pure Ayodhya, Post Charwa, District Kaushambi, (U.P.)

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station New Rajendra Nagar, District Raipur (C.G.).

---- Respondent

For Applicant	:	Mr Rahim Ubwani, Advocate.
For Respondent/State	:	Mr. Hariom Rai, 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 05/12/2020 in connection with Crime No. 252/2020 registered at Police Station New Rajendra Nagar, District Raipur (C.G.) for the offence under Sections 376 & 342 of IPC.
- 2) Case of the prosecution, in brief is that the applicant and the prosecutrix were talking with each other on Mobile since 2017. On 20/16/2019 the applicant called the prosecutrix at IVY Hotel where he proposed her and established physical relations with her despite her resistance. It is alleged that the applicant also made a video of their relationship and threatened the prosecutrix of making said video viral and defaming her. On 15/12/2019 again the applicant had forcible sexual intercourse with her on the threat of making the video viral. On report being lodged to the above effect, offence has been registered against the applicant.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the prosecutrix is a married lady of 37 years, the applicant and the prosecutrix were taking over mobile only, the applicant has not committed forcible sexual intercourse with the prosecutrix, no threat was given to the prosecutrix and in fact he has been falsely implicated by the prosecutrix on pressure of her family members. He submits that the applicant is in jail since 05/12/2020, 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 fact that the applicant and the prosecutrix were in relationship since 2017 to 2020 during which they had physical relations on many occasions, the prosecutrix is a married lady of 37 years whereas the applicant is 26 years old, the deposition of the prosecutrix as well as PW-02 Sharad Sharma, the entire allegations made against the applicant, the detention period of the applicant, 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