

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 368 of 2021

- Harichand @ Hari Lakda, S/o Babulal Lakda, Aged About 30 Years, R/o Village Dawna Darraghat, Police Station Jhilmili, Tahsil- Bhaiyathan, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police of Police Station Jhilmili, District- Surajpur, Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Shri Anil Gulati, Advocate
For Non-Applicant/State	:	Smt. Shubha Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09.03.2021

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 01.11.2020 in connection with Crime No. 89/2020, at Police Station- Jhilmili, District- Surajpur (C.G.) for the offence punishable under Section 376 (2) (n), 493, 506 of Indian Penal Code.
2. The allegation against the applicant is that on the pretext of marriage he made physical relation with the prosecutrix, who is his sister in law continuously for two years and as a result of which prosecutrix became pregnant two times and subsequently the applicant refused to marry the prosecutrix despite her repeated request for marrying her.
3. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated, he submits that

prosecutrix is consenting party, the applicant is in jail since 01.11.2020, charge-sheet has already been filed, he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding 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-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Prosecutrix is present in person and she raised no objection to grant of bail to the applicant.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, prosecutrix raised no objection to grant of bail to the applicant, detention period of the applicant who is 30 years old, charge-sheet has already been filed, the fact that the applicant has no criminal antecedents, 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.
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.

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