

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 500 of 2021

- Nirmal Agrawal Son Of Rajesh Kumar Agrawal (However Wrongly Written As Rajesh Agrawal) Aged About 27 Years Resident Of Park Avenue Colony, House No. 52-53, Raigarh, Tahsil And District- Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- City Kotwali, Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

--Non-Applicant

For Applicant	:	Shri B.P. Sharma and Shri Hari Agrawal, Advocates
For Non-Applicant/State	:	Shri B.L. Sahu, P.L.
For Objector	:	Shri Krishna Tandon, Advocate

Hon'ble Shri Justice 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 14.12.2020 in connection with Crime No.1066/2020, registered at Police Station- City Kotwali, District Raigarh(C.G.) for the offence punishable under Section 376 of the IPC.
2. Case of the prosecution in brief is that the applicant and the prosecutrix were in love relationship since 2017 and on the pretext of marriage, the applicant established physical relations with the prosecutrix, but later refused to marry her. On the written report being lodged to the above effect by the prosecutrix, the above offence has been registered against the applicant and he was taken into custody.
3. Learned counsel for the applicant submits that the allegations

against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that essential ingredients for attracting the offence under Section 376 of the IPC are extremely missing in this case. He further submits that an agreement has been executed between the parties that they have settled their dispute outside the court and the applicant is ready to marry with the prosecutrix after his release on bail in the present case. It is further submitted that the prosecutrix is a well grown up lady of 29 years age, the applicant is in jail since 14.12.2020, charge sheet has already been filed and nothing is required to be seized from the applicant, and conclusion of trial is likely to take some time, therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
5. Learned counsel for the Objector submits that he has no objection to release the applicant on bail and that along with covering memo he has also filed the affidavit of the prosecutrix to this effect.
6. Considering the facts and circumstances of the case, the fact that the applicant and the prosecutrix were having love affair since 2017, the age of the prosecutrix i.e. 29 years and that of the applicant i.e. 27 years, the agreement executed between the parties dated 8.2.2021, no objection raised by the prosecutrix on affidavit to release the applicant on bail, the detention period of the applicant, charge sheet has already been filed and conclusion of trial is likely to take some time, without further commenting on merits, I am inclined to grant bail to the applicant. Accordingly, the bail application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- 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.

Sd/
(Gautam Chourdiya)
Judge

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