

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 707 of 2021

- Sourabh Kumar Bediya @ Sidhu S/o- Late Ramkishun Aged About 25 Years R/o- Co Operative Line, Q.No.-20, Charcha, P.S.- Shivpur, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Out-Post-Manikpur, P.S.- Kotwali, Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

--Non-Applicant

For Applicant	: Shri Pushkar Sinha, Advocate
For Non-Applicant/State	: Shri Ashish Gupta, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17.3.2021

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 26.12.2020 in connection with Crime No.1087/2020, registered at Police Station- Kotwali, District-Korba(C.G.) for the offence punishable under Section 376 of the IPC.
2. Case of the prosecution is that on 9.12.2020, the prosecutrix lodged a written complaint that the applicant on the pretext of marriage committed sexual intercourse with her. An offence was registered and the applicant 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 the prosecutrix is a married lady of 27 years, having 3 children and her husband has left her. He submits that the applicant is aged about 25 years. He further submits that charge sheet has been filed, there is no criminal antecedent against the applicant. He submits that the applicant is in jail since 26.12.2020 and conclusion of trial

may 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.
5. Having considered the submission made by learned counsel for the parties, the prosecutrix is a married lady aged about 27 years, having three children and the age of the applicant is 25 years and they have physical relations on number of times from 1st January, 2020 to 30th October, 2020 and the report was lodged on 25th December, 2020; there is no apprehension that the applicant may tamper with the evidence or abscond; the detention period of the applicant; there is no criminal antecedent against the applicant; and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. 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.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.

Sd/
(Gautam Chourdiya)
Judge