

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 669 of 2021**

- Sanjay Shori, S/o Dular Singh Shori, Aged About 25 Years, R/o Village Usma, Post Aalkuhar, Tahsil Mohla, Police Station Khadgaon, District- Rajnandgaon, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh, Through: Station House Officer Police Station Narharpur, District- North Bastar Kanker, Chhattisgarh.

**---- Non-applicant**

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| For Applicant           | : | Shri D.N. Prajapati, Advocate |
| For Non-Applicant/State | : | Smt. Smriti Shrivastava, P.L. |
| For complainant         | : | Shri Aman Upadhyay, Advocate  |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**08.03.2021**

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 23.12.2020 in connection with Crime No. 131 of 2020, at Police Station- Narharpur, District- North Bastar Kanker (C.G.) for the offence punishable under Section 376, 313 of I.P.C.
2. Case of the prosecution, in brief, is that the applicant, who is police constable, was having love affair with the prosecutrix since 10.01.2018 and during this period on the pretext of marriage he had physical relations with her on number of occasions, as a result of which she got pregnant by five months which was forcibly got aborted by the applicant. However, the applicant subsequently refuse 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 further submits that both the applicant and the prosecutrix were in relationship since 2018, they were living together and whatever happened between them is consensual. Learned counsel for the applicant further submits that the applicant and the prosecutrix are willing and ready to marry with each-other and that they have sworn an affidavit to the effect that they have been in relationship since 2018 and are ready to marry out of their free will out of without any pressure or coercion, the applicant has no criminal antecedents 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-Applciant/State opposes prayer for grant of bail and submits that the prima facie case is made out against the present applicant because he not only committed forcible intercourse with the prosecutrix on the pretext of marriage but also conducted abortion of five months pregnant prosecutrix. However, the applicant has no criminal antecedents.
5. Counsel for the complainant submits that he has 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 allegation, love affair between the applicant and the prosecutrix since 2018, statement of the prosecutrix recorded by police on 23.12.2020, they are ready to marry with each-other, detention period of the applicant, who is 25 years old, 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 counsel 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**

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