

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 680 of 2021

1. Durgesh Kumar Sahu S/o Ramlal Sahu, Aged About 22 Years, Resident Of Mauhadin, Tahsil And District Janjgir Champa (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Urga, Civil And Revenue District Korba (C.G.).

---- Non-Applicant

For Applicant	: Ms. Yogeshwar Sharma, Advocate.
For Non-Applicant/State	: Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17/03/2021

- 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 07/01/2021 in connection with Crime No. 204/2020 registered at Police Station Urga, Civil And Revenue District Korba (C.G.) for the offence under Sections 376 of IPC.
- 2) Allegation against the present applicant is that he established physical relations with the prosecutrix on pretext of marriage and subsequently took her to the Court at Korba for performing marriage from where he fled leaving the prosecutrix saying that he would return after attending the call of nature. On written report dated 02/07/2020 being lodged to the above effect by the prosecutrix, offence has been registered against the accused.
- 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 major girl. He further submits that the applicant has been arrested on 07/01/2021, charge sheet has already been filed and trial is likely to take some time for its

disposal. Therefore, the applicant deserve to be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Prosecutrix alongwith her mother Mana Bai is present in person and they have no objection to release of the applicant on bail. Prosecutrix and her mother have been duly identified by the Counsel for the applicant and State. Copy of the Aadhar card of the prosecutrix has also been taken on record today.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, that fact that the applicant and the prosecutrix were having friendship about a year prior to lodging of lodging, during this period they visited several places together i.e. Umreli, Kachora etc., the detention period of the applicant who is 22 years old, no objection raised by the prosecutrix, a major girl of 19 years who is present alongwith her mother, 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, 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