

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 691 of 2021

1. Arvind Kumar Singh S/o Nansai Gond (Wrongly Mentioned As Mansai Gond In Rejection Order), Aged About 36 Years, Working As Nagar Sainik, Home Guard, Posted As Surajpur, District- Surajpur, R/o Chandan Nagar, P.S. And Tehsil Premnagar, District- Surajpur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O., P.S. Surajpur, District Surajpur (C.G.).

---- Non-Applicant

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

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08/03/2021

- 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 17/12/2020 in connection with Crime No. 215/2020 registered at Police Station Surajpur, District Surajpur (C.G.) for the offence under Sections 376(2)(N) & 506 of IPC.
- 2) Case of the prosecution, in brief, is that the prosecutrix lodged a written report on 30/05/2020 against the applicant to the effect that since 2014 he had been physically expediting her on the pretext of marrying her and suppressing his being already married, as a result of which she got pregnant twice which were got aborted by him. It is further alleged that the applicant made a obscene video of the prosecutrix and threatened her of making the same viral and killing her. On report being lodged to the above effect, 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 applicant is in jail since 17/12/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the prosecutrix a well grown up lady of 27 years, had been in physical relation with applicant since 2014 whereas the FIR was lodged on 30/05/2020 i.e. after about 6 years, no complaint or report was made by her regarding forceful abortion of her by the applicant, the detention period of the applicant, the charge sheet has already been filed 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. 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 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