

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 837 of 2021

- Tasrif Khan S/o Mohamed Jalil Khan, aged about 29 years, R/o Village : Hariganwa – Magharpara, Police Station : Raghunathnagar, District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station : Raghunathnagar, District : Balrampur-Ramanujganj (C.G.)

---- State/Non-applicant

For Applicant : Shri Nitesh Shrivastava, Advocate

For Non-Applicant/State : Shri Hari Om Rai, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

03.03.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 30.10.2020 in connection with Crime No. 117/2020 registered in Police Station- Raghunathpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376, 506 Part-II read with Section 34 of IPC.
2. Prosecution case in brief is that on 09.07.2020 when the prosecutrix had gone to her corn field for working, the applicant committed sexual intercourse with her against her will. The appellant threatened the prosecutrix that if she disclosed the incident to anyone, he would kill her husband and children. Therefore, on 17.10.2020 the prosecutrix lodged the report against the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that there is an inordinate delay in lodging the report which makes the case of prosecution suspicious. He further submits that the applicant is languishing in jail since 30.10.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that incident happened on 09.07.2020 which was informed by the prosecutrix to her husband just after a week and she lodged the written report on 17.10.2020, and considering the statement under Section 164 Cr.P.C. of the prosecutrix, the detention period of the applicant, charge-sheet has already been filed, conclusion of the trial is likely to take some time, the applicant has no criminal antecedent as admitted by both the counsel and that there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the application is allowed.
6. 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 Bench.

Sd/-

(Gautam Chourdiya)
Judge