

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 732 of 2021**

- Arun son of Shri Prahlad Harijan, aged about 23 years, R/o Village Raghunathnagar, Police Station – Raghunathnagar, District Balrampur-Ramanujganj (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through P.S. - Raghunathnagar, District Balrampur-Ramanujganj (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Akath Kumar Yadav, Advocate
For Non-Applicant/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate
For Complainant/Objector	:	Shri Pramod Shrivastava, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****09.04.2021**

1. This application is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 09.12.2020 in connection with Crime No. 158/2020 registered in Police Station- Raghunathnagar, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 366 & 376(2) (n) of IPC.
3. Allegation against the applicant is that on 19.11.2020, on the pretext of marriage, he abducted the prosecutrix from her Village Raghunathnagar and went to Ambikapur and he committed forcible sexual intercourse with her against her will.
4. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that the prosecutrix and the applicant were having affair, she had willingly gone with the applicant and the applicant is ready to marry her. He further submits that he has filed the affidavit of Prahlad Harijan (father of the applicant) alongwith covering memo in which he (Prahlad Harijan) has stated that he as well as

his family wants to marry of his son (applicant) with the prosecutrix after his release on bail. He also submits that the applicant is in jail since 09.12.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

5. On the other hand, learned counsel for the State opposes the application.
6. Learned counsel for the complainant/objector has filed the affidavit of the prosecutrix alongwith covering memo in which the prosecutrix has stated that she was having affair with the applicant and both were living as husband and wife and she is ready to marry the applicant. She has also stated that she has no objection to grant of bail to the applicant by this Court.
7. Having heard learned counsel for the parties.
8. Having regard to the facts and circumstances of the case, particularly considering the age of the prosecutrix i.e. 19 years of age, she was having love affair with the present applicant, she had eloped with the applicant, both had physical relations and were living together as husband and wife, presently the family members of the applicant are ready to marry the applicant with the prosecutrix, and that the prosecutrix/complainant is also ready to marry the applicant and she has filed an affidavit raising no objection to grant of bail to the applicant by this Court, the detention period of the applicant who is 23 years old, conclusion of the trial is likely to take some time, that there is no apprehension of the applicant tampering with the evidence or absconding and also he has no criminal antecedent as admitted by both the counsel, without expressing any opinion on merits of the case, the application is allowed.
9. 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

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