

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 864 of 2021

1. Rajeshwar Prasad Rajwade @ Abhyas @ Bhole S/o Bhanu Prasad Rajwade, Aged About 26 Years, R/o Village Bhitthikala Dhodipara, Out Post Manipur, P.S. Ambikapur, District Surguja (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Ambikapur, Out Post Manipur, District Surguja (C.G.).

---- Non-Applicant

For Applicant : Ms. Sanjay Pathak, Advocate.

For Non-Applicant/State : Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/03/2021

- 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 18/10/2020 in connection with Crime No. 665/2020 registered at Out Post Manipur, Police Station Ambikapur, District Surguja (C.G.) for the offence under Sections 376(2)n of IPC and under Section 67 & 67A of IT Act.
- 2) Case of the prosecution, in brief, is that the prosecutrix was married in the year 2012 but after two and half year due to some dispute with her husband and in-laws she left her matrimonial home and started resided with her parents with Bhattikala since 2015. In May 2020 she came in contact with the applicant having taken her in confidence took her an isolated placed near Jogiband Coal Depot and had physical relations with her. On 01/10/2020 the applicant established physical relations with the prosecutrix and also made her obscene video. The applicant thereafter forwarded

the said obscene video from his mobile to the mobile of brother-in-law of the prosecutrix.

- 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 married and major lady. He further submits that the applicant has been arrested on 18/10/2020, 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) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the prosecutrix is a married lady of 24 years and was living with her parents after leaving her husband in the same village where the applicant resides, there was physical relations between prosecutrix and the applicant since May 2020 at village Sirkotanga Lakhanpur, village Jogiband and thereafter some obscene video of the prosecutrix was sent by the applicant to her brother-in-law on his mobile whereas the FIR was lodged by the prosecutrix on 19/10/2020, no report prior to 19/10/2020 was lodged by the prosecutrix or any complaint was made by her to any of the villagers or family members, no obscene video was found in the mobile of the applicant, the detention period of the applicant who is 26 years old, charge sheet has already been filed, 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