

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 955 of 2021

- Rahul Deo Rai, aged about 38 years, S/o Shri Phool Singh Rai, Caste Satnami/SC, R/o Village: Mudpar, Masturi, Tahsil Masturi & District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through: Police Station Masturi, District Bilaspur, Chhattisgarh

---- State/Non-Applicant

For Applicant	:	Shri Rajkamal Singh, Advocate
For Non-Applicant/State	:	Smt. Shubha Shrivastav, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

19.03.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 19.01.2021 in connection with Crime No. 21/2021 registered in Police Station- Masturi, District Bilaspur (CG) for the offence punishable under Section 376 of IPC.
2. Case of the prosecution in brief is that the prosecutrix aged about 36 years, is a widow lady having three children. On 03.01.2017, the applicant took the prosecutrix on his motorcycle to Ratanpur Temple where he put vermilion (*sindoor*) on her hair-parting and told that he would keep her as his wife. Thereafter, they came to village Mudpar where the applicant committed sexual intercourse with her. The applicant continuously established sexual relations with the prosecutrix till 04.11.2020 and thereafter he left her saying that he would not keep her. Therefore, the prosecutrix lodged the report against the applicant at Police Station Masturi, District Bilaspur. (C.G.)
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He submits that the prosecutrix had willingly lived with the applicant and the applicant has not committed sexual intercourse with her forcibly. He also submits that the appellant is in jail since 19.01.2021 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. Considering the facts and circumstances of the case, looking to 164 Cr.P.C. statement of the prosecutrix, she is aged about 36 years, are having three children, she was having relations with the applicant from the year 2017 and both were living together for about two-three months in the year 2019, that both are resident of same village, the prosecutrix was well aware that the applicant was a married man, the detention period of the applicant who is 38 years old and conclusion of the trial is likely to take some time, he has no criminal antecedent as admitted by both the counsel, there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail 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