

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 902 of 2021

- Kishan Tiwari S/o Shri Sachitanand Tiwari Aged About 21 Years
Occupation- Student, R/o Sanjay Park Colony (Chorkakchar), Police
Station And Tehsil- Ambikapur, District- Surguja, Chhattisgarh., District
: Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-
Ambikapur, District- Surguja, Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh

--Non-Applicant

For Applicant	: Shri Vaibhav Singh, Advocate
For Non-Applicant/State	: Ms. Shubhra Shrivastava, P.L.
For Complainant	: Shri Pranjal Shukla, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15.03.2021

1. The applicant has preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 14.1.2021 in connection with Crime No.56/2021, registered at Police Station- Ambikapur, District Surguja (CG) for the offence punishable under Section 376(2)(n), 450 & 506 of the IPC.
2. Case of the prosecution is that on 12.1.2021 on the pretext of providing job, the applicant went to the house of the complainant for collecting the documents and committed rape on her.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he has not committed any offence. He further submits that the prosecutrix is a married lady aged about 26 years and she has called the applicant to her house to give him documents for the job. He submits that the prosecutrix herself has stated in her 164 Cr.P.C. statement that due to fear of not keeping by her husband, in pressure, she has lodged the report. He submits that the

applicant has been arrested on 14.1.2021 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail by this Court.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Learned counsel for the Objector has stated no objection and filed I.A.No.1/2021 regarding no objection in granting bail to the applicant.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the statement of the prosecutrix/complainant recorded under Section 164 Cr.P.C. and no objection filed by the complainant counsel, age of the prosecutrix and the applicant and there is no medical report in this regard, the detention period of the applicant and conclusion of trial may take some time, the application is allowed. It is directed that in the event of the 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:-

(a) 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.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future.

Sd/

**(Gautam Chourdiya)
Judge**