

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 958 of 2021

- Chandrashekhar Son Of Late Bhageluram Aged About 33 Years
Caste- Gada, Resident Of Ward No. 7, Churcha Colliery, Police
Station- Churcha, Tahsil- Baikunthpur, District- Korea (Chhattisgarh),
District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-
Patna, District- Korea (Chhattisgarh), District : Koriya (Baikunthpur),
Chhattisgarh

--Non-Applicant

For Applicant	: Shri S.K. Kushwaha, Advocate
For Non-Applicant/State	: Shri Vaibhav Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01.04.2021

1. The applicant has preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 27.12.2020 in connection with Crime No.301/2020, registered at Police Station- Patna, District Korea (CG) for the offence punishable under Sections 376(2)(a), 323 of the IPC.
2. Case of the prosecution is that the prosecutrix has lodged a report that the applicant has committed sexual intercourse with her on the pretext of marriage.
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 submits that the applicant and the prosecutrix were in love affair and they performed marriage on 25.3.2018 and the prosecutrix has executed an affidavit before the notary for registration of marriage, which is annexure A/3. He submits that the applicant has been arrested on 27.12.2021 and

trial is likely to take some time for its final disposal, therefore, the applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
5. The prosecutrix is present before this Court and stated that she has married to the applicant and she has 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, the detention period of the applicant and the fact that the applicant and the prosecutrix were in love affair and the prosecutrix is a major lady and she has stated her no objection; 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**