

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1041 of 2021

- Govind Sahu S/o Ramnaresh Sahu Aged About 28 Years Occupation Business R/o Village- Korja, Lakhanpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

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

--Non-Applicant

For Applicant	:	Shri Shakti Raj Sinha, Advocate
For Non-Applicant/State	:	Ms. Seema Dixit, P.L.
For Objecotr	:	Ms. Priyanka Mehta, Advocate

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 11.1.2021 in connection with Crime No.55/2020, registered at Police Station- Mahila Thana, Ambikapur District Surguja(CG) for the offence punishable under Sections 376(2)(n), 313 of the IPC.
2. Case of the prosecution is that the applicant has committed sexual intercourse with the prosecutrix on the pretext of marriage and when she became pregnant he aborted the child and thereafter refused to marry.
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 prosecutrix is already a married lady aged about 25 years. She was married to one Nehar Ram on 12.6.2012 and there is no medical evidence regarding aborting the child. He submits that the applicant is in jail since 11.1.2021; charge sheet has been filed and there is no apprehension of the applicant tampering with the evidence or absconding 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. However, he submits that there is no criminal antecedent of the applicant.
5. Learned counsel for the Objector vehemently opposes the bail application and submits that the applicant has developed illicit relations with the married lady and aborted her child.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the prosecutrix is a married lady and she was a consenting party; the detention period of the applicant; charge sheet has been filed and the applicant has no criminal antecedent 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