

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1149 of 2021**

- Makhan Lahri, S/o Shree Jhunau Prasad Lahri, aged about 38 years, R/o Sanjay Nagar, Chantidih, Police-Station Sarkanda, Bilaspur District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through - Station House Officer, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri Mahendra Dubey, Advocate.
For State	: Shri Amit Singh, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board**06/04/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with crime No.46/2021, registered at Police Station Sarkanda, Bilaspur, District - Bilaspur, (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
2. Brief facts of the case are that prosecutrix is a widow lady, aged about 26 years. Allegation against the Applicant is that he obtained mobile number of the prosecutrix from her friend and started talking to her. It is further alleged that Applicant made physical relationship with the prosecutrix continuously for two years on pretext of marriage but later refused to marry with the prosecutrix.
3. Learned Counsel for the Applicant submits that the applicant is

innocent and falsely implicated in the case. He further submits that prosecutrix is a major lady, aged about 26 years, having two children. Both applicant and prosecutrix were in relationship prior to two years of lodging of the F.I.R. He further submits that applicant is languishing in jail since 11/01/2021 and conclusion of trial is likely to take some time. Therefore, applicant be released on bail.

4. On the other hand, learned Counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the fact that prosecutrix is a major lady, aged about 26 years having two children, the Applicant was also a married person and the prosecutrix was well-aware about the marital status of the Applicant, there has been physical relations between the two for last four years and the fact that Applicant has no criminal antecedent and there is no likelihood of the Applicant tampering with the evidence or absconding as admitted by both the Counsel and conclusion of trial may take some time, 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 Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge