

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1817 of 2021**

- Akash Singh Thakur S/o Shri Rajendra Singh Thakur, aged about 28 years R/o Risabh Nagar, PS New Rajendra Nagar, District Raipur (C.G.)

----Applicant

Versus

- State of Chhattisgarh, through P.S. D.D. Nagar, Raipur (C.G.)

----Non-applicant

For Applicant	Mr. Pragalbha Sharma, Advocate.
For State	Mr. Raghvendra Verma, G.A.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****28/05/2021**

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No. 49/2021 registered at Police Station D.D. Nagar, Raipur C.G. for the offence punishable under Sections 376 and 506 of the Indian Penal Code.
3. Facts of the case are that the applicant on the false pretext of marriage, has committed sexual intercourse with the Prosecutrix on various occasions. Later on, the Prosecutrix has lodged the report against the applicant, thereafter, the applicant has been arrested on 03/02/2021.

4. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He further submits that the Prosecutrix is aged about 26 years, The applicant and the Prosecutrix are childhood friends who were in love relationship and they had developed physical relationship with their consent. He further submits that the applicant is in jail since 03/02/2021 and the allegation made against the present applicant is false and baseless and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, it is prayed that applicant may be granted bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Taking into consideration the fact that the age of the Prosecutrix is 26 years, who is a childhood friend of the applicant, the applicant and the Prosecutrix were having love relationship, they had been developing physical relationship from 29/10/2019 to 16/12/2020 and the FIR has been lodged on 02/2/2021, and further considering the fact that due to COVID-19 pandemic, conclusion of the trial is likely to take some time and the applicant is in jail since 03/02/2021, without commenting anything on merits of the case, I am inclined to allow this bail application.
8. Accordingly, the application is allowed.
9. It is directed that in the event of the applicant executing a

personal bond for a sum of Rs.50,000/- with two sureties each of Rs. 25,000/- 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 her 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 this Court.

Sd/-
(Gautam Chourdiya)
Vacation Judge