

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1853 of 2021**

- Lalit Minz, S/o Sarju Minz, aged about 19 Years, Caste Uraon, R/o Village Saraidih, Police Station Lundra, District Surguja (Ambikapur) Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Lundra, District Surguja (Ambikapur) Chhattisgarh.

----Non-applicant

For Applicant	Shri D. Kushwaha, Advocate.
For State	Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

04/08/2021

1. The matter is heard through Video Conferencing
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.95/2020 registered at Police Station Lundra, District Surguja, Ambikapur, C.G. for the offence punishable under Section 376 (2)(n) of Indian Penal Code. The earlier bail application i.e. MCRC No.9287 of 2020 was dismissed as withdrawn vide order dated 04.02.2021.
3. Case of the prosecution, in brief, is that on 04.09.2020, prosecutrix lodged a report against the applicant alleging in it that on the pretext of marriage, applicant established physical relations with

her from 04.01.2019 to 25.08.2020. When prosecutrix told the applicant to marry, he left her. Thereafter, she went to the police station and lodged the report against the applicant.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that prosecutrix was having love affair with the applicant for a long time i.e. from 04.01.2019 to 25.08.2020 and that she was a consenting party. There is delay in lodging the FIR of about 1 year and 8 months. He is in jail since 05.09.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the fact that the applicant and the prosecutrix, who were major, were having love affair from 04.01.2019 to 25.08.2020 and during this period, they established physical relations on number of times whereas FIR was lodged after about 1 year and 8 months on 04.09.2020, charge sheet has been filed, the detention period of the applicant, who is 19 years of age, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, without

commenting anything on merits of the case including the deposition of the prosecutrix recorded before the trial Court, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

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