

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1632 of 2021**

- Komal Markande S/o Barnu Markande, aged about 25 years, Occupation Labour, R/o Village Tipni, Police Station Than Khamhariya, District Bemetara (C.G.)

---- Applicant

Versus

- The State of Chhattisgarh, Through : Station House Officer, Police Than Khamhariya, District Bemetara (C.G.)

---- State/Non-Applicant

And**M.Cr.C. No. 1938 of 2021**

- Manish Kumar, S/o Manoj Markande, aged about 23 years, R/o Village Tipni, Police Station Than Khamhariya, District Bemetara (C.G.)

---- Applicant

Versus

- The State of Chhattisgarh, Through : Station House Officer, Police Station Than Khamhariya, District Bemetara (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Rajkumar Pali, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate
For Objector/Complainant	:	Shri Shailesh Puriya, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****08.06.2021**

1. The application is heard through Video Conferencing.
2. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same crime number i.e. 174/2020 registered in Police Station- Than Khamhariya, District Bemetara (CG) for the offence punishable under Sections 506, 376, & 109 read with Section 34 of IPC, they are being disposed of by this common order.
3. Case of the prosecution is that applicant Komal Markande entered into the house of the prosecutrix aged about 19 years and on the pretext of marriage, he committed sexual intercourse with prosecutrix. Applicant Manish Kumar and other co-accused persons helped Komal Markande enter the house of the prosecutrix.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. He submits that the prosecutrix was having a love affair with applicant Komal Markande and there is no allegation against applicant Komal Markande regarding commission of offence of rape or that he & applicant Manish Kumar made any obscene video or photographs of the prosecutrix. He further submits that co-accused namely Tarachand and Harishchand have been granted regular bail by this Court vide order dated 08.02.2021 passed in M.Cr.C. No. 26 of 2021. He also submits that the applicants are in jail since 21.11.2020 & 02.01.2021, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, the applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail applications.
6. Learned counsel for the complainant has no objection to grant of bail to the applicants by this Court. He submits that he has filed an application (I.A. No. 01 of 2021) for no objection to grant of bail to the applicants which is duly supported by affidavit of the prosecutrix in which she has raised no objection to grant of bail to the applicants by this Court. The prosecutrix/complainant had also filed an application raising no objection to grant of bail to the applicants before the trial Court which was duly supported by the affidavit.
7. I have heard learned counsel for the parties.
8. Having regard to the facts and circumstances of the case, the fact that the prosecutrix, aged about 19 as per her date of birth in Aadhar Card, has stated in her affidavit that she was having love affair with applicant Komal Markande and she has no objection to grant of bail to the applicants, the co-accused persons in this case have already been granted regular bail by this Court, no any obscene video made by the applicants or photographs were seized from them, the detention period of the applicants who are 25 & 23 years old, charge-sheet has already been filed and conclusion of the trial is likely to take some time, there is no apprehension of

the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail applications are allowed.

9. It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-

- they 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.
- they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

10. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

11. In the result, M.Cr.C. No. 1632 of 2021 and M.Cr.C. No. 1938 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge