

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2243 of 2021**

- Tularam Banjara, S/o Chanduram Banjara, aged about 29 Years, R/o Tilak Ward, Mungeli, Tehsil Mungeli and District Mungeli, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Incharge, Police Station City Kotwali, District Mungeli, Chhattisgarh.

----Non-applicant

For Applicant	Shri Anuroop Panda, Advocate.
For State	Shri Ayaz Naved, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

10/06/2021

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.73/2021 registered at Police Station- City Kotwali, Mungeli, District Mungeli, C.G. for the offence punishable under Sections 323, 365, 376(घ), 506 & 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 16.02.2021, prosecutrix went to the main branch of State Bank of India, Mungeli by scooty. It is alleged that when she came out from the bank, the present applicant along with the other co-accused persons pulled her forcibly into the car and abducted her. It is

further alleged that the accused persons took her to Court where they threatened her to kill and got her signature on a stamp paper and made her wander here and there. Thereafter, at about 8-9:00 pm they again took her to SBI Bank, took her scooty and went to the house of co-accused Pappu Banjare. On 17.02.2021, they took the prosecutrix to the house of co-accused Mukesh Kumar where Kumaru Ram committed sexual intercourse with her, beat her and threatened her by saying that if she disclosed the said incident to anyone, he would kill her and kept her in a locked room. On 21.02.2021, accused persons took her to Dakapur and were talking about taking her to village Lormi but they were intercepted by the brother and brother-in-law of the prosecutrix and they rescued the prosecutrix. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant and other co-accused persons.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the allegation against the present applicant is false and baseless. Applicant is in jail since 22.02.2021, charge sheet has already been filed, due to COVID 19-pandemic, conclusion of trial is likely to take some time and that co-accused persons namely- Mukesh Kumar and Manish Kumar Diwar in this case have already been granted regular bail by the trial Court vide order dated 06.04.2021 and, therefore, the applicant be released on bail on the ground of parity.

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, as per allegation rape was committed by co-accused Kumaru Ram whereas applicant only took away the scooty of the prosecutrix with other co-accused and participated in abduction of the prosecutrix, the detention period of the applicant, who is 29 years old, charge sheet has already been filed, the fact that the co-accused persons in this case have already been granted regular bail by the trial Court, the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by counsel for the parties and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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 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

Akhilesh