

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2285 of 2021

1. Chandrashekhar Nishad S/o Shri Dineshwar Nishad, Aged About 21 Years, R/o Kunjemura Hunkradipa, Tehsil And Police Station Tamnar, District Raigarh, Chhattisgarh, At Present Address 625 Garun Flight Air Force Station, District Jamnagar, Gujrat.

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Chakradhar Nagar, Raigarh, District Raigarh (C.G.).

---- Non-Applicant

For Applicant	:	Ms. Kamal Kishore Patel, Advocate.
For Non-Applicant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 12/03/2021 in connection with Crime No. 163/2021 registered at Police Station Chakradhar Nagar, Raigarh, District Raigarh (C.G.) for the offence under Sections 376 of IPC.
- 3) Case of the prosecution, in brief, is that the applicant was having an affair with the prosecutrix. In April 2019 the applicant established physical relation with the prosecutrix on the pretext of marriage and in June 2019 he went for Air Force training. However, after returning from training when the prosecutrix asked for marriage, he refused. On report being lodged to the above effect, offence has been registered against the accused.
- 4) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. The

incident is said to have taken place in 2019 whereas the FIR was lodged with inordinate delay of 2 years. He submits that the prosecutrix is a major girl. He further submits that the applicant has been arrested on 12/03/2021 and trial is likely to take some time for its disposal due to Covid-19 Pandemic. Therefore, the applicant deserve to be released on bail.

- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, that fact that the applicant and the prosecutrix were known to each other as they were studying in the same School, they visited several places together and during this period they had physical relations, the incident allegedly took place in April 2019 whereas the FIR was lodged on 11/03/2021, the detention period of the applicant who is 21 years old, and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal due to Covid-19 Pandemic, without commenting anything on merits of the case, 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./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**

Chandrakant