

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2685 of 2021

- Adil Khan alias Adil Baksh, age 26 years, S/o Shree Shakir Baksh, R/o Ward No. 8, Vikas Nagar, Kotma, District Anuppur (M.P.)

---- Applicant

Versus

- State of Chhattisgarh, Through P.S. Torwa, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Saleem Kazi, Advocate
For Non-Applicant/State	:	Shri Gurudev Sharan, Government Advocate
For Objector	:	Shri Aditya Chopra, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

28.05.2021

1. The application is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 24.02.2021 in connection with Crime No. 69/2021 registered in Police Station- Torwa, District Bilaspur (CG) for the offence punishable under Sections 376, 294 & 506 of IPC.
3. Allegation against the present applicant is that on the pretext of marriage, he committed sexual intercourse with the prosecutrix against her will. Therefore, on 22.02.2021 the written report was lodged by the prosecutrix against the applicant.
4. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He submits that the applicant and the prosecutrix were having affair from 27.07.2019 to 17.12.2020 and the report was lodged against the applicant by the prosecutrix in the year 2021. He also submits that the applicant is in jail since 24.02.2021, charge-sheet has been filed and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.
5. On the other hand, learned counsel for the State as well as learned counsel

for the objector oppose the bail application.

6. Considering the facts and circumstances of the case, the fact that the applicant and the prosecutrix who is aged about 30 years were having affair from 27.07.2019 to 17.12.2020, they also had physical relationship on number of occasions and report was lodged in the year 2021, that detention period of the applicant who is 26 years old, charge-sheet has already been filed and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the application is allowed.
7. 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/her 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 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 the Bench.

Sd/-

(Gautam Chourdiya)
Vacation Judge