

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2948 of 2021**

- Babu Singh, S/o Shri Ranglal, aged about 35 Years, R/o Village Barkela, Police Station Manendragarh, District Koriya, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police of Police Station Manendragarh, District Koriya, Chhattisgarh.

----Non-applicant

For Applicant	Shri Anil Gulati, Advocate.
For State	Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09/08/2021

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.429/2020 registered at Police Station Manendragarh, District Koriya, C.G. for the offence punishable under Section 376 of Indian Penal Code.
3. Allegation against the applicant is that he committed forcible sexual intercourse with the prosecutrix against her will. On report to the above effect being lodged by the prosecutrix, offence under the aforesaid section was registered 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

no such act as alleged has been committed by the applicant. In fact, the applicant has been implicated in this case as there is old land dispute between the husband of the prosecutrix and the father of the applicant. Applicant is in custody since 12.12.2020, charge sheet has already been filed and due to COVID-19 pandemic, 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, in particular the fact that there is old land dispute between the husband of the prosecutrix and the father of the applicant, the incident is said to have taken place in *Badi* (kitchen garden) where her husband also reached immediately, no injury was found on the body of the prosecutrix, the detention period of the applicant, who is 35 years old, charge sheet has been filed, the fact that 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, 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh