

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3209 of 2021

- Rinku Manikpuri, aged about 23 years, S/o Shri Dukalha Manikpuri, R/o Village Kukera, P.S. Dharsiva, Tahsil – Dharsiva, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, P.S. Dharsiva, District Raipur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri C.P. Lahrey, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

26.07.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 25.03.2021 in connection with Crime No. 172/2021 registered in Police Station- Dharsiva, District Raipur (CG) for the offence punishable under Sections 376 & 506 of IPC.
2. Case of the prosecution is that on 24.03.2021, the prosecutrix lodged the complaint before the Police Station Dharsiva, District Raipur that in the year 2016, the applicant enticed her away from the school on the pretext of marriage and took her to his house where he committed sexual intercourse with her against her will. Later on, the applicant threatened the prosecutrix of life and committed sexual intercourse with her. On 03.03.2021 the applicant performed marriage with the prosecutrix at Arya Samaj, Tikrapara, Raipur.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the prosecutrix and the applicant got married at Arya Samj and collected certificates in their names. Copy of certificates is marked as Annexure-A/2 in the present bail application. He also submits that the applicant has no criminal antecedents,

there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 25.03.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
5. Prosecutrix is present in person before Help Desk-2 of this Court and she is identified/verified by Shri Kunal Dewangan, an employee of this Court, through her Aadhar Card. The prosecutrix stated that she has no objection to grant of bail to the applicant by this Court. She also stated that she performed marriage with the applicant of her own free will at Arya Samaj and obtained certificate from there to this effect which is true.
6. Considering the facts and circumstances of the case, the fact that the prosecutrix and the applicant were having physical relations since the year 2016 and thereafter continuously both were having physical relations, the prosecutrix lodged the FIR on 24.03.2021 against the applicant and in between both have performed the marriage on 03.03.2021 at Arya Samaj, further considering that the prosecutrix wants to live with the applicant and she has no objection to grant of bail to the applicant by this Court, the appellant is in jail since 25.03.2021, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything 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.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 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 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.

8. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

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