

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3299 of 2021

1. Bhupesh Sahu S/o Mahraji Sahu, By Caste Teli, Aged About 28 Years, R/o Sirsida Tahsil Charama, District Uttar Baster Kanker (C.G.).

---- Applicant

Versus

1. The State Of Chhattisgarh, Through Police Station Charama, District Uttar Baster Kanker (C.G.).

---- Non-Applicant

For Applicant	: Mr. Parag Kotecha, Advocate.
For Non-Applicant/State	: Mr. C.B. Kesharwani, P.L

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 13/03/2021 in connection with Crime No. 53/2021 registered at Police Station Charama, District Uttar Baster Kanker (C.G.) for the offence punishable under Section 376 & 506 of Indian Penal Code.
- 3) Case of the prosecution, in brief, is that on 11/03/2021 at around 10:30 – 11 PM the prosecutrix was at her home with her children. At that time the applicant, who is friend of husband of the prosecutrix, came to her house, inquired about her husband and when she told that he is not at home, he forcibly entered and committed rape with her. Thereafter, the applicant threatened the prosecutrix of killing her children if she disclosed the incident to anyone. On report being lodged to the above effect, offence has been registered against the present applicant.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant has been arrested on 13/03/2021, charge sheet has been filed and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Prosecutrix, aged about 27 years is present through video conferencing with the aid of District Legal Services Authority, Uttar Bastar Kaner with her Counsel Mr. Sagar Gupta who identified her. The prosecutrix has no objection to release of the applicant on bail and she also submitted an affidavit to this effect before the Trial Court.
- 7) Heard Counsel for the parties.
- 8) Considering the facts and circumstances of the case, the affidavit of the prosecutrix before the Trial Court raising no objection to grant of bail to the applicant as also her statement before this Court that she has no objection to this bail application, the detention period of the applicant who is 28 years old, charge sheet has already been filed, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 50,000/-** with two sureties of Rs. 25,000/- 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