

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3461 of 2021**

- Jisan Ali, S/o Farman Ali, aged about 24 Years, R/o Yadunandan Nagar, Police Station Sirgitti, Tahsil and District Bilaspur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Akhtar Hussain, Advocate.
For State	Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

04/08/2021

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.132/2021 registered at Police Station Sirgitti, District Bilaspur, C.G. for the offence punishable under Section 376(2)(n) & 313 of Indian Penal Code.
3. Allegation against the present applicant is that he made physical relation with the prosecutrix, a married lady, on 17.08.2019 on the pretext of marriage and thereafter continued to have such relations with her, as a result of which she got pregnant which was got aborted by the applicant through administration of certain pills to

her. However, when the prosecutrix asked the applicant for marriage, he deserted her. Thereafter, she went to the police station and lodged the report 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 prosecutrix was having love affair with the applicant for a long time and that she was a consenting party. He also submits that there is no evidence regarding abortion of the prosecutrix by the applicant. Applicant is in jail since 30.03.2021, charge sheet has already been filed and 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 fact that prosecutrix was a married lady having one child, without taking divorce from her husband, she was in relationship with the applicant for a long time, during this period they visited several places together, there had been physical relations between them on number of occasions, the medical report does not indicate abortion of the prosecutrix, charge sheet has been filed, the detention period of the applicant, who is 24 years old, 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 similar offence in future.

Sd/-
Gautam Chourdiya
Judge