

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3157 of 2021**

- Gulab Rautiya, S/o Uttar Kumar Rautiya, aged about 32 Years, R/o Village Pilwapali, Police Station Pithora, Mahasamund, District Mahasamund, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Police Station Basna, District Mahasamund, Chhattisgarh.

----Non-applicant

For Applicant	Shri Pragalbha Sharma, Advocate.
For State	Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

03/08/2021

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.421/2020 registered at Police Station Basna, District Mahasamund, C.G. for the offence punishable under Sections 354, 376(2)(n), 456/34 & 506 of Indian Penal Code and Section 66E of the Information Technology Act, 2000.
3. As per the prosecution case, on 04.05.2020, co-accused Mahendra Nayak committed forcible sexual intercourse with the prosecutrix and made her obscene photographs viral in the village. Further on 29.08.2020 in the night, co-accused Mahendra Nayak along with present applicant and other co-accused persons went to the house of

the prosecutrix, committed house trespass and tried to abduct her. However, on hue and cry being raised by the prosecutrix her father and brother intervened, whereupon co-accused Mahendra Nayak and other co-accused persons including the present applicant fled from there in the car.

Allegation against the present applicant is that he actively assisted the main accused Mahendra Nayak in commission of the aforesaid offence.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not played any role in alleged offence, applicant is in jail since 26.04.2021, charge sheet has already been filed, due to COVID 19-pandemic, conclusion of trial is likely to take some time and that co-accused persons namely- Mahendra Nayak & Bhola Sarthi @ Anoop Sarthi in this case have already been granted regular bail by the co-ordinate Bench of this Court vide order dated 23.07.2021 in MCRC No.3328 of 2021 & MCRC No.4620 of 2021 and, therefore, the applicant be released on bail on the ground of parity.
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, the detention period of the applicant, who is 32 years old, charge sheet has been filed, the fact that the co-accused persons in this case have already been granted regular bail by the co-ordinate Bench of this Court, the applicant has no criminal

antecedent 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 expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount 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