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HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 3477 of 2021**

- Shivpal Singh Rajput, S/o Shri Ratan Singh Rajput, aged about 30 years, R/o Chikli, P.S. - Udaypura, District – Raisen (M.P.), At present R/o H. No. 4 D.D. Nagar, Raipur, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : S.H.O., P.S. - City Kotwali, Jagdalpur, District - Bastar (C.G.)

---- State/Non-Applicant**M.Cr.C. No. 3576 of 2021**

- Smt. Mamta Agrawal, wife of Om Prakash Agrawal, aged about 38 years, resident of Vinayak Vihar, D.D. Nagar, Bastar, rent house of the Sanjay Pandey, Raipur, District Raipur Chhattisgarh (detail of the applicant has not mentioned in the impugned rejection order of the learned court below)

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police Station – Kotwali, Jagdalpur, District Bastar (C.G.)

---- State/Non-Applicant**And****M.Cr.C. No. 4447 of 2021**

- Smt. Shaifali Chakravarti W/o Babulal Chakravarty, aged about 35 years, Caste Brahman, R/o Nayamunda Tiranga Chowek Mishra Gali, P.S. Bodhghat, Jagdalpur, District Bastar (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through P.S. - Kotwali, District Bastar (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Bhupendra Singh, Advocate appears in M.Cr.C. No. 3477/2021 & M.Cr.C. No. 3576/2021
For Applicant	:	None appeared in M.Cr.C. No. 4447/2021
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer in all the bail applications

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

12.07.2021

1. As all the above first bail applications under Section 439 of Cr.P.C. preferred by the respective applicants arise out of the same Crime No. 22/2021 registered in Police Station- City Kotwali, Jagdalpur, District Bastar (CG) for the offence punishable under Sections 376, 493, 370, 109/34 of IPC, they are being disposed of by this common order.
2. Allegations against the present applicants are that they have sold the prosecutrix/complainant to co-accused Keshav Raghuwanshi. It is alleged that the main accused Keshav Raghuwanshi had committed sexual intercourse with the prosecutrix on the pretext of marriage and the prosecutrix gave birth to a male child. It is also alleged that thereafter, Keshav had taken that child with him.
3. None appeared on behalf of applicant Smt. Shaifali Chakravarti in M.Cr.C. No. 4447/2021 even in the second round.
4. In these circumstances, this Court is left with no other option but to dismiss the bail application (M.Cr.C. No. 4447/2021) for want of prosecution. Accordingly, the bail application is dismissed for want of prosecution.
5. Shri Bhupendra Singh, learned counsel appearing on behalf of applicants i.e. M.Cr.C. No. 3477/2021 & M.Cr.C. No. 3576/2021, seeks to withdraw the bail application filed on behalf of applicant Smt. Mamta Agrawal i.e. M.Cr.C. No. 3576/2021 with liberty to file a fresh application as and when occasion arises.
6. Accordingly, the bail application (M.Cr.C. No. 3576/2021) is dismissed as withdrawn with the liberty as stated above.
7. Now this Court considers the bail application on behalf of applicant Shivpal Singh Rajput i.e. M.Cr.C. No. 3477/2021.
8. Shri Bhupendra Singh, learned counsel appearing on behalf of applicant

Shivpal Singh Rajput, submits that there is no any ingredient of alleged offence against applicant as the prosecutrix herself has not stated before the court below in her statement that the applicant committed anything wrong with her and in the F.I.R., the name of the applicant is also not mentioned. He further submits that the applicant has been falsely implicated in the crime in question, he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 18.02.2021 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

9. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application filed on behalf of applicant Shivpal Singh Rajput.
10. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the allegation made against applicant Shivpal Singh Rajput, the detention period of the applicant who is 30 years old and the fact that the applicant has no criminal antecedent, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and charge-sheet has already been filed, due to covid-19 pandemic, conclusion of trial may take some time, further considering the statement under Section 164 Cr.P.C. of the prosecutrix, she had not named the applicant in F.I.R., without commenting anything on merits of the case, the application is allowed.
11. It is directed that in the event of applicant- Shivpal Singh Rajput executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- 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.

12. 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.

13. In result, M.Cr.C. No. 3477 of 2021 is allowed on the above terms and conditions whereas M.Cr.C. No. 3576 of 2021 is dismissed as withdrawn with the liberty as stated above and M.Cr.C. No. 4447 of 2021 is dismissed for want of prosecution.

Sd/-
(Gautam Chourdiya)
Judge

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