

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3630 of 2021

- Sourabh Meshram, S/o Ujendra Meshram, Aged About 28 Years, R/o Village Nakshi, Tahsil and Police Station- Kirnapur, District- Balaghat (M.P.).
---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Purani Basti, District- Raipur, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri K.K. Pandey, Advocate
For Non-Applicant/State	: Shri C.B. Kesharwani, P.L.
For Objector	: Shri K.P.S. Gandhi, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

23.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 01.04.2021 in connection with Crime No.80/2021 registered at Police Station- Purani Basti, District- Raipur (C.G.) for the offence punishable under Section- 376, 376 {2} N of IPC.
- 2) The case of the prosecution, in brief, is that in the year of 2018 the prosecutrix and the applicant met in a social site (Facebook) and soon they became friend. After getting job the present applicant took the prosecutrix with him and living together in a rent at Professor Colony-Raipur. The applicant on pretext of marriage repeatedly made forcible physical relation with the prosecutrix, as a result of which she got pregnan. Later, she got aborted by the applicant by administering her certain medicines. It is also alleged that the applicant recorded her obscene videos and gave her threat to viral the same. On report being lodged to the above effect, the aforesaid offence has been registered

against the present applicant.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant is young offender, there is inordinate delay in lodging of FIR, incident took place in the year of 2018 and report lodged in the year of 2021. The prosecutrix was consenting party, both are having long standing love affair, the fact that prosecutrix is well grown up lady. The applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 01.04.2021 and due to Covid-19 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-Applciant/State vehemently opposes the bail application and submits that the applicant on the pretext of marriage, made forcible physical relation with the prosecutrix and live in-relation at Raipur, he used to record obscene videos of her, the prosecutrix got pregnant and got aborted by the applicant and subsequently the applicant refuse to marry her, thus she lodged FIR against the applicant.
- 5) Learned counsel for the objector/prosecutrix also raised objection to grant of bail to the applicant and submits that the applicant on the pretext of marriage made forcible physical relation with her, the prosecutrix got pregnant, she was aborted and he refuse to marry her.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, love relation between the applicant and the prosecutrix, both are live-in relationship in different places, she was consenting party, during investigation no obscene video seized and no medical report regarding abortion was collected by the Investigating Officer, incident took

place in 2018 and report lodged in 2021, age of the prosecutrix who is 24 years old, the detention period of the applicant, who is 28 years old and 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 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 the 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 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