

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3729 of 2021**

- Abhishek Tandan, S/o Dhaneshwar Tandan, aged about 20 Years, R/o Village Lendhra, Police Station Koshir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through District Magistrate Korba, Police Station Sarangarh, District Raigarh, Chhattisgarh.

----Non-applicant

For Applicant	Mr. Pankaj Singh, Advocate.
For State	Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

29/07/2021

1. The matter is heard through Video Conferencing
2. The applicant has preferred this second application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.702/2020 registered at Police Station Sarangarh, District Raigarh, C.G. for the offence punishable under Section 376 of Indian Penal Code. The earlier bail application i.e. MCRC No.9118 of 2020 was dismissed as withdrawn vide order dated 03.02.2021.
3. Case of the prosecution, in brief, is that on 23.10.2020, prosecutrix lodged a report against the applicant alleging in it that on the pretext of marriage, applicant established physical

relations with her from 14.11.2019 to 01.01.2020. When prosecutrix told the applicant to marry, he left 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 i.e. from 14th November, 2019 to 1st January, 2020 and that she was a consenting party. There is delay in lodging the FIR of about 10 months. He is in jail since 24.10.2020, 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 nature of allegation against the applicant, the fact that the applicant and the prosecutrix were having love affair from 14th November, 2019 to 1st January, 2020 and during this period, they established physical relations, the delay of about 10 months in lodging the FIR, charge sheet has been filed, the detention period of the applicant, who is 20 years of age, 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, the 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