

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4492 of 2021

1. Ravi Kumar Singh S/o Shivnarayan, Aged About 20 Years, R/o Village Podideah Andhiwar, Police Station Khadgawa, District Koriya (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O. Police Station Khadgawa, District Koriya (C.G.).

---- Non-Applicant

For Applicant : Ms. Deblina Maity, Advocate.

For Non-Applicant/State : Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

26/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC No. 1293/2021 was dismissed as withdrawn on 22/03/2021.
- 3) The applicant is arrested on 27/08/2020 in connection with Crime No. 226/2020 registered at Police Station Khadgawa, District Koriya (C.G.) for the offence under Section 376(2)(a) of Indian Penal Code.
- 4) Allegation against the present applicant is that on 26/08/2020 at around 08:00 PM he established physical relations with the prosecutrix on pretext of marriage. On written report being lodged to the above effect, offence has been registered against the accused.

- 5) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. She submits that the prosecutrix was having a love affair with accused. She also submits that the applicant is in jail since 27/08/2020, charge-sheet has already been filed and conclusion of the trial is likely to take some time due to COVID-19 Pandemic. Therefore, the applicant be released on bail.
- 6) On the other hand, learned counsel for the State opposes the bail application.
- 7) I have heard learned counsel for the parties
- 8) Considering the facts and circumstances of the case, looking to the age of the prosecutrix who is aged about 19 years having relation with accused, the detention period of the applicant who is 20 years old, charge sheet has already been filed, both are major and there was consensual physical relation between the applicant and the prosecutrix, looking to the statement of prosecutrix (Annexure-A/3), the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. 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/- 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,
 - 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 Govt./State Govt./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**

Chandrakant