

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 4751 of 2021

- Soumitra Chakravarti S/o Shri Shankar Lal Chakravarti, aged about 24 years, R/o Krishna Nagar, Tilda, Nevra Raipur, Tehsil & District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the District Magistrate Rajnandgaon, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Anuroopa Panda, Advocate appears on behalf of Shri S.S. Baghel, Advocate
For Non-Applicant/State	:	Shri K.K. Singh, Government Advocate
For Objector	:	Ms. Deblina Maity, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

16.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 19.05.2021 in connection with Crime No. 262/2021 registered in Police Station- O.P. Chikhali, P.S. City Kotwali, Rajnandgaon (CG) for the offence punishable under Sections 376 (2) (n) & 376 (3) of IPC.
2. I.A. No. 02/2021, application for withdrawal of objection application.
3. Learned counsel for the objector seeks to withdraw the objection application
4. On due consideration, I.A. No. 02/2021, application for withdrawal of objection application which is duly supported by the affidavit of the prosecutrix is allowed.
5. Accordingly, objection application is dismissed as withdrawn.
6. As per prosecution story, the prosecutrix lodged a complainant stating that there was a love affair between the present applicant and the prosecutrix. It is alleged that the present applicant by alluring the prosecutrix of marriage committed forcible sexual intercourse with her repeatedly and later on

refused to marry her. It is also alleged that due to the said relationships the prosecutrix got pregnant twice which was got aborted by the applicant.

7. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 19.05.2021, charge-sheet has been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
8. On the other hand, learned counsel for the Non-Applciant/State opposes the bail application.
9. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the evidence of the prosecutrix before trial Court filed by the applicant's counsel with covering memo in the present bail application, the applicant and the prosecutrix were having love affair from long time, her statement in para- 10, 11 & 14 of the deposition has also the fact that there was in fact money transaction dispute between them, the prosecutrix is a divorcee lady having two children, I.A. No. 02/2021 application for withdrawal of the objection application which is duly supported by the affidavit of the prosecutrix and in the said affidavit, she has no objection to grant of bail to the applicant by this Court, further considering Annexure- O-1 transaction of money filed in the present bail application which shows that on several dates money was deposited in the account of the applicant by the prosecutrix, the detention period of the applicant who is 24 years old, charge-sheet has already been filed, the fact that 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 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
10. 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 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.

11. 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.

Sd/-
(Gautam Chourdiya)
Judge

vatti