

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4758 of 2021

1. Naseeb Singh S/o Late Shri Tanagu Singh Meravi, Aged About 32 Years, R/o Village Khursipar, Police Station And Tehsil Birsa, District Balaghat (Madhya Pradesh).

---- Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate, Kabirdham, District Kabirdham (C.G.).

---- Non-Applicant

For Applicant : Mr. Ranbir Singh Marhas, Advocate.

For Non-Applicant/State : Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

28/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as he is arrested on 11/04/2021 in connection with Crime No. 14/2021 registered at Police Station Taregaon Jungle, District Kabirdham (C.G.) for the offence under Section 363, 376(2)(n) and 506 of Indian Penal Code.
- 3) As per prosecution case, while prosecutrix was living in her parental house at Village Khursipar, the accused applicant came there and informed that her husband is admitted in Hospital and he has come to take her there. On this the prosecutrix alongwith her minor daughter went with the applicant on his motorcycle. However, the applicant instead of taking her to her husband, took them at village Vicharpur Bakkarkata in the house of his relative and kept them there in a separate room where on the next day at 10-11 PM he committed forcible sexual intercourse

with her in a drunken state saying that he has brought her here for making her his wife and if she refused he would get her killed by the Naxalites. The applicant committed forcible sexual intercourse with her for 6-7 days on the threat of life. On written report being lodged to the above effect, aforesaid offence has been registered against the accused.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the story put forth by the prosecution is highly improbable. In fact the applicant and the prosecutrix were having affair since long, no offence as alleged has been committed by him. He also submits that the applicant is in jail since 11/04/2021, 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.
- 5) On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has no criminal antecedents.
- 6) I have heard learned counsel for the parties
- 7) Considering the facts and circumstances of the case, the fact that both applicant and the prosecutrix are major and married persons, both of them stayed together for 6-7 days in the house of relative of the applicant and during this period no hue and cry was raised by the prosecutrix, no complaint against the alleged act of the applicant was made to anyone, the prosecutrix has 2 children, FIR was lodged with inordinate delay, the detention period of the applicant who is 32 years old, charge sheet has already been filed, 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