

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4783 of 2021**

- Bihari Gond, S/o Vishambhar Gond, aged about 27 Years, R/o Village Bagdari, Police Station Lundra, District Surguja, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Lundra, District Surguja, Chhattisgarh.

----Non-applicant

For Applicant	Shri Abhishek Pandey, Advocate.
For State	Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

11/08/2021

1. The matter is heard through Video Conferencing
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.77/2021 registered at Police Station Lundra, District Surguja, C.G. for the offence punishable under Section 294, 506 & 376(2)(n) of Indian Penal Code.
3. Allegation against the present applicant is that he made physical relation with the prosecutrix, a married lady, on the pretext of marriage and thereafter continued to have such relations with her. When the prosecutrix came to know that applicant is already married and having three children, she told him that he cheated her and asked him for marriage but applicant abused her filthily,

threatened her for life & deserted 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 and that she was a consenting party. Applicant is in jail since 07.06.2021, 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 fact that prosecutrix was a married lady having one child, without taking divorce from her husband, she was in relationship with the applicant for a long time, during this period there had been physical relations between them on number of occasions, charge sheet has been filed, the detention period of the applicant, who is 27 years old, 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, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge