

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4908 of 2021**

- Ravikant Patwar, S/o Late Shankar Kumar Patwar, Aged About 35 Years, R/o Village Bharatpur, Police Station Janakpur, Tahsil Bharatpur, District Korea, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station Janakpur, District Korea, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Hemat Kumar Agrawal, Advocate.
For Respondent/State	:	Mr. Chandrabhushan Kesharwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****30/07/2021**

- 1) Proceeding through Video Conferencing.
- 2) The applicant has preferred this application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 08.06.2021 in connection with Crime No. 60/2021 registered at Police Station Janakpur, District Korea (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
- 3) As per the prosecution case, the applicant established physical relation with the prosecutrix on the pretext of marriage and later on when the prosecutrix refused to have such relation, the applicant threatened her of making her photograph viral and continued to have physical relation with her.
- 4) Learned counsel for the applicant submits that he has been falsely implicated in this case, prosecutrix is a major lady and there is no external and internal injury found on the body of the prosecutrix. There is delay in lodging the FIR, the applicant is in

jail since 08.06.2021. There is no apprehension of the applicant absconding or tempering with the evidence of the prosecution, due to COVID-19 pandemic, conclusion of the trial is likely to take some time, and, therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that the applicant and the prosecutrix were in physical relationship for a considerable period of 8 years from 15.01.2013 to 07.06.2021, no photograph of the prosecutrix was seized from the possession of the applicant and there is delay in lodging the FIR, charge-sheet has been filed and there is no criminal antecedent against the applicant. There is no apprehension of the applicant absconding or tempering with the evidence of the prosecution, due to COVID-19 pandemic, conclusion of the trial is likely to take some time, without commenting anything on merits of the case. The application is allowed.
- 7) 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/- each for the like amount to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.
 - (e) he shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.
- 8) 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**

Ruchi