

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4886 of 2021**

- Mahendra Sikka, S/o Tarun Sikka, aged about 25 Years, R/o Lavkush Nagar, Chandanpara, Police Station- Jamul, Tahsil and District- Durg, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Jamul, District- Durg, Chhattisgarh.

----Non-applicant

For Applicant	Shri Purnendra Khichariya, Advocate.
For State	Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****13/08/2021**

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.120/2021 registered at Police Station Jamul, District Durg, C.G. for the offence punishable under Sections 341, 377 & 506 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 16.03.2021 at around 10:15 pm when the son of the complainant was going by bicycle to his home, on the way he was stopped by the present applicant and taken towards canal. There the applicant forcibly had carnal intercourse against the order of the nature with him and

thereafter threatened him of life in the event he disclosed it to anyone. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the present 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 no offence has been committed by the present applicant. Applicant is in jail since 18.03.2021 and due to COVID 19-pandemic, conclusion of trial is likely to take some time. Therefore, the applicant 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 detention period of the applicant, who is 25 years old, charge sheet has been filed, the offence is triable by the Magistrate First Class, the fact that the applicant has no criminal antecedent 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, conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the

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

Akhilesh