

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5069 of 2021**

Moh. Shahjada S/o Moh. Islam, aged about 25 years R/o Habibiya Madrsa Line Vikas Nagar Kusmunda, Tahsil Katghora, District Korba (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through Police Station Kusmunda Korba, District Korba (C.G.).

---- Non-Applicant

For Applicant:	Mr. Vikash Pandey, Advocate.
For Non-Applicant/State:	Mr. Shrestha Gupta, PL
For Objector	Mr. Suresh Tandon, Advocate

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

08.09.2021

1. The Applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.235/2021 registered at Police Station Kusmunda C.G. for the offence punishable under Sections 366, 376, 342, 344, 506 read with 34 of the IPC.

2. Case of the prosecution is that the prosecutrix has made a written complaint against the applicant alleging therein that on 12/11/2018, the applicant, on the false promise of roaming, took her with him to Ambala. There, the applicant threatened her and committed forcible sexual intercourse with her and also made obscene videos of her through mobile phone. The applicant also threatened her to upload her obscene videos on social media and

committed sexual intercourse on various occasions. On the basis of complaint, offence has been registered against the applicant.

3. Learned Counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant is in jail since 10/06/2021, there is no criminal antecedent registered against the applicant, charge-sheet has been filed and trial is likely to take some time for its disposal, therefore, the applicant may be released on bail.

4. On the other hand, learned State Counsel and counsel for Objector opposed the bail application.

5. I have heard learned Counsel for both the parties and perused the case diary.

6. Considering the facts and circumstances of the case, particularly the fact that the prosecutrix is a married lady, she left her house on 12/11/2018, but no missing report was lodged by her husband, the applicant and the prosecutrix were having physical relationship since November, 2018 whereas FIR was lodged on 10/06/2021, both the applicant and the prosecutrix lived together for a considerable period of time, no obscene photograph or video of the prosecutrix was seen or recovered from the applicant or the prosecutrix, the detention period of the applicant who is aged about 25 years, charge-sheet has been filed, there is no criminal antecedent of the applicant as admitted by both the counsel and further there is no apprehension expressed by the State counsel of his absconding or tampering with the prosecution evidence or witnesses and due to Covid-19 pandemic, conclusion of trial is likely to take some time, without commenting on merit of the case, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of

Rs.1,00,000/- 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

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