

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5058 of 2021

1. Umesh Kewant S/o Late Sohan Lal, Aged About 26 Years, Cast Kewant, R/o Ward No. 8, Ledari, Thana Jhagrakhand, Tahsil Manedragarh, District Korea (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Jhagrakhand, Tahsil And District Korea (C.G.).

---- Non-Applicant

For Applicant	: Mr. Hemant Kumar Agrawal, Advocate.
For Non-Applicant/State	: Mr. Rahim Ubwani, Panel Lawyer.
For Objector	: Mr. Udho Ram Koshaley, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02/08/2021

- 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 03/07/2021 in connection with Crime No. 147/2021 registered at Police Station Jhagrakhand, Tahsil And District Korea (C.G.) for the offence under Section 376(2)(a) Indian Penal Code.
- 3) Allegation against the applicant is that he committed forcible sexual intercourse with the prosecutrix repeatedly on the pretext of marriage but later on refused to perform marriage with her. 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 prosecutrix is a major girl of 26 years, no offence as alleged has been committed by the applicant. He also submits that the

applicant is in jail since 03/07/2021, 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.
- 6) Learned counsel for the Objector has no objection to release of the applicant on bail. He has also filed an application to this effect alongwith affidavit of the prosecutrix wherein she has stated that now their relations become cordial and she has no objection to release of the applicant on bail.
- 7) I have heard learned Counsel for the parties
- 8) Considering the facts and circumstances of the case, the fact that both applicant and the prosecutrix are major, they were in physical relation for the last 5-6 years, there is no objection on behalf of the prosecutrix as is evident from her affidavit filed by the Counsel for the Objector, the detention period of the applicant who is 26 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