

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5383 of 2021**

Meghu Nagesiya S/o Shri Prasad Nagesiya Aged About 24 Years R/o Village Jaljali, P.S. Samripath, District Balrampur Ramanujganj Chhattisgarh. -----Applicant

Versus

State Of Chhattisgarh Through Station House Officer P.S. Samripath District Balrampur Ramanujganj Chhattisgarh. ----- Non-Applicant

For Applicant:	Shri Vivek Sharma, Advocate appears on behalf of Shri Devershi Thakur, Advocate.
For Non-Applicant/State:	Smt Deepa Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

20.09.2021

1. The Applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.05/2020 registered at Police Station Samripath, District Balrampur, Ramanujganj, C.G. for the offence punishable under Sections 376-D, 450, 506 and 323/34 IPC.

2. Allegation against the present Applicant is that he along with the co-accused entered the house of the prosecutrix and committed forceful sexual intercourse with her.

3. Learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the crime in question for which, he is in jail since 13.02.2020 and that there is no incriminating material against him, which may hold him guilty for the commission of offence punishable under Sections 376-D, 450, 506 and 323/34 IPC. He further submits that the co-accused has already been granted bail by the co-ordinate Bench vide order dated 29.06.2021 passed in M.Cr.C No.2852/2021 and therefore, the present Applicant may also be released on bail.

4. On the other hand, learned State Counsel 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, the nature of allegation against the present Applicant, the fact that he is in jail since 13.02.2020, that the co-accused has already been granted bail by the co-ordinate Bench vide order dated 29.06.2021 passed in M.Cr.C No.2852/2021, the Prosecutrix has not alleged anything against the present Applicant in her affidavit filed before the trial Court and there is no likelihood of the Applicant's tampering with the evidence or absconding as admitted by both the counsel and the trial may take some time due to Covid-19 Pandemic, without commenting anything on merits of the case, I am inclined to allow this application.

7. Accordingly, the instant M.Cr.C is allowed and it is directed that in the event of the Applicant's 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's involving himself in any offence in future.

Sd/-

Gautam Chourdiya
JUDGE