

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5870 of 2021**

Binde Ram Ekka S/o Kuwar Sai Ekka Aged About 22 Years R/o Village-Kamlapur, Ps Korondha, District- Balrampur-Ramanujgaj, Chhattisgarh,

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Korondha, District-Balrampur-Ramaanujganj, Chhattisgarh

---- Non-Applicant

For Applicant:	Shri Hariom Rai, Advocate.
For Non-Applicant/State:	Shri Rahim Ubwani, Panel Lawyer.
For Objector:	Shri Sachin Nidhi along with the Prosecutrix in person.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

06.09.2021

1. The Applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.18/2021 registered at Police Station Karondha, District Balrampur-Ramanujganj, C.G. for the offence punishable under Sections 294, 323, 341, 342, 506 and 376 IPC.
2. Allegation against the present Applicant is that on the date of incident i.e. on 18.06.2021, by using filthy language, he committed forcible sexual intercourse with the prosecutrix threatening her for life.
3. Learned Counsel for the Applicant submits that the Applicant

has no connection with the crime in question at all and has been falsely implicated in the same for which, he is in jail since 26.06.2021. He further submits that the prosecutrix has stated in her evidence recorded under Section 164 Cr.P.C that she has no objection if the Applicant is released on bail and that there is no incriminating material against the Applicant, which may hold him guilty for the commission of offence punishable under Sections 294, 323, 341, 342, 506 and 376 IPC.

4. On the other hand, learned State Counsel opposed the bail application.

5. The prosecutrix, who is present in person along with her Counsel has also stated that she has no objection if the Applicant is released on bail.

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

7. Considering the facts and circumstances of the case, looking to the nature of allegation made against the present applicant, his detention period, the age of the prosecutrix and her statement recorded under Section 164 Cr.P.C as well as her oral statement given in the Court today wherein, she has stated that she has no objection if the Applicant is granted bail and there is no likelihood of his tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case,

the application is allowed.

8. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lac) 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

Priya