

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5595 of 2021

- Surendra Kumar Chandra, S/o Padum Lal Chandra, Aged About 30 Years, R/o Kumhari, Police Station- Kosir, District- Raigarh, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station- Chandrapur, District- Janjgir- Champa, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Amit Kumar, Advocate

For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

27.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 07.07.2021 in connection with Crime No. 60/2021 registered at Police Station- Chandrapur, District- Janjgir- Champa (C.G.) for the offence punishable under Sections 376 & 417 of IPC.
- 2) As per the prosecution case, the applicant was working as Attendant Grade-2 at Chandrapur in Chhattisgarh State Electricity Board, living in a rented room. He met the prosecutrix for the first time at Bhilai where she was attending coaching classes. The applicant developed intimacy with her and he used to visit Bhilai to meet her frequently. He took her at his rented house where he made forcible physical relation with her on the pretext of marriage number of times. She stayed with him in the said house between 04.06.2021 to 13.06.2021 and the applicant

on 14.06.2021 came alongwith her for dropping her up to Bhatapara and thereafter he fled away.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant is working as line attendant in CSEB, the applicant and the prosecutrix were having love affair, the report was lodged after three years of the incident, there is no explanation about the delay on lodging of FIR. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 07.07.2021, charge-sheet has already been filed and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, age of the prosecutrix who is 24 years old, 164 CrPC statement of the prosecutrix, she was having contact with the applicant from 2017, the applicant & the prosecutrix were having love affair, both were visited number of places and during this period they established physical relations on number of times, the prosecutrix lived with the applicant from 16th November, 2018 to 18th of November, 2018 thereafter, she again lived with him from 8th of March, 2021 to 9th of March, 2021 & 04.06.2021 to 14.06.2021 in a rented room of the applicant, charge-sheet has already been filed, the detention period of the applicant, who is 30 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take sometime, without commenting anything on merits of the case, the application is allowed.

6) 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 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 similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim