

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5718 of 2021

- Shalim Baghel, S/o Goma Baghel, Aged About 27 Years, Cast - Mahra, R/o Village Junaguda, Police Station Bastar, Tahsil - Bastar, District - Bastar Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Police Station Bastar, District- Bastar, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Alok Pandey, Advocate

For Non-Applicant/State : Shri C. B. Kesharwani, P. L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

27.08.2021

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 26.06.2021 in connection with Crime No. 45/2021 registered at Police Station- Bastar, District- Bastar (C.G.) for the offence punishable under Sections 376 & 506 of IPC.
- 2) Allegation against the applicant is that he made forcible intercourse with the prosecutrix on 31.12.2020 at about 12 in the night and he abused her filthily on 16.06.2021. When the prosecutrix and her son went to the house of the applicant for his complaint, he committed *marpit* with them.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that incident took place on 31.12.2020 and report lodged on 25.06.2021 with inordinate delay without any explanation. The prosecutrix is widow having two young children. Charge-sheet

has already been filed. 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 25.06.2021 and due to COVID-19 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-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 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, the fact that prosecutrix is widow having two young children, incident took place 31.12.2020 whereas report was lodged on 25.06.2021, there is long delay in lodging of the FIR, charge-sheet has already been filed, the detention period of the applicant, who is 27 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 due to COVID-19 conclusion of trial may take some time, 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. 1,00,000/- with two sureties of Rs. 50,000/- 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