

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**(Proceedings through Video Conferencing)**

**MCRC No. 5677 of 2021**

- Rahul Gelani, S/o Late Shri Dilip Gelani, Aged About 35 Years, R/o L.I.G. 16, Padmanabhpur, District : Durg, Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through - District Magistrate Raipur, District : Durg, Chhattisgarh.

**---- Non-Applicant**

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For Applicant : Shri Amiyakant Tiwari, Advocate

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

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order on Board**

**25.08.2021**

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 07.07.2021 in connection with Crime No. 49/2021, registered at Police Station- Mahila Thana, District- Raipur (C.G.) for the offence punishable under Section 498-A, 377, 506/34 of IPC.
- 2) Allegation against the applicant is that he alongwith his mother/co-accused used to harass and torture the victim who is his wife, physically and mentally in connection with demand of dowry. It is also alleged that the applicant used to have unnatural carnal intercourse with the victim forcibly.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further

submits that the 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 07.07.2021 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.
- 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 the marriage of the applicant with the victim was solemnized on 09.07.2016 whereas the FIR was lodged against the present applicant in the year 2021 only with the aforesaid allegations, charge-sheet has already been filed, the detention period of the applicant, who is 35 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