

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5701 of 2021**

- Vijay Manikpuri, S/o Dasai, Aged About 27 Years R/o- Village - Pachawal, Seliapara, Police Station - Sanawal, District - Balrampur - Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh. **---- Applicant**

**Versus**

- State of Chhattisgarh, Through - Police Station – Sanawal, District - Balrampur - Ramanujganj, Chhattisgarh.

**---- Non-Applicant**

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For Applicant : Shri Pushkar Sinha, Advocate

For Non-Applicant/State : Shri Rahim Ubwani, Panel Lawyer

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order on Board**

**20.09.2021**

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 26.05.2021 in connection with Crime No.09/2019, registered at Police Station- Balrampur-Ramanujganj, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376 of IPC.
- 2) Case of the prosecution, in brief, is that on 06.05.2019 the prosecutrix lodged report in the police station to the effect that the present applicant on the pretext of marriage made forcible physical relation with her number of times at number of places, as a result of which she got pregnant. The prosecutrix informed the applicant about her pregnancy and suggested him to marry her thereafter they were going for Court marriage and on the mid way police caught the applicant. At that time the applicant gave

assurance that he will marry her within two months but he left his home, thereafter, the matter was reported and during the course of investigation the applicant was arrested by the police.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the prosecutrix married with one Mukesh Ahirvar as per charge-sheet, 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 26.05.2021 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-Applciant/State opposes the bail application and submits that as per charge-sheet prosecutrix married with one Mukesh Ahirvar. At the time of DNA examination prosecutrix was remain absent.
- 5) Learned State counsel submits that in compliance of order dated 02.09.2021 prosecutrix was informed for her appearance before this Court but neither she is present in person nor is there any representation on her behalf.
- 6) 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 prosecutrix married with another person as per charge-sheet filed by SHO, the prosecutrix was directed to remain present for DNA examination but she was remain absent, 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.

7) 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