

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6387 of 2021

- Jugeshwar Kujur S/o Late Jugulu Kujur, Aged 28 years, R/o Village Chawarpani P.S. & Tehsil Batouli, District Surguja (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, P.S. Batouli, District Surguja (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Nishi Kant Sinha, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

21.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 18.06.2021 in connection with Crime No. 54/2021 registered in Police Station- Batouli, District Surguja (CG) for the offence punishable under Sections 376 (2) (n), 385, 509 B of IPC and 67-A of I.T. Act.
2. As per the prosecution story, it is alleged that the applicant has committed sexual intercourse with the prosecutrix since last 4 years on several occasions and also blackmailed the prosecutrix for sexual favour or he will circulate or viral the video made by him of the sexual act between them.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that the prosecutrix is major girl. He further submits that the applicant and prosecutrix were having physical relations from 2018, but neither the F.I.R. was lodged by the prosecutrix, nor any complaint made to any person regarding offence committed by the applicant prior to lodging of the present F.I.R. He submits that there is no evidence of seizure of any video. He also submits that the applicant is

languishing in jail since 18.06.2021 who is 28 years old, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the fact that there were continuously physical relations between the applicant and the prosecutrix since last 04 years, no report was lodged or any complaint was made during this period, the prosecutrix is major lady at the time of incident, after 04 years of long delay she lodged the F.I.R., and that the applicant is in jail since 18.06.2021, charge-sheet has already been filed, and due to Covid-19, conclusion of the trial is likely to take some time, and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsels, further that no obscene video of the prosecutrix or any photographs were seized from the applicant by the police, without expressing any opinion on merits of the case, the bail application is allowed.
7. It is directed that in the event of 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 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/her 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.

8. 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 nature of offence.

Sd/-

(Gautam Chourdiya)
Judge

vatti