

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6476 of 2021

1. Jender S/o Rakhan, Aged About 28 Years, Occupation Cultivator, R/o Village Kanchan Nagar (Bodo), Police Station Shankargarh, District Balrampur-Ramanujganj (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Kusmi, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicant : Mr. Jitendra Shrivastava, Advocate.
For Non-Applicant/State : Mr. Shrestha Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

23/09/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as he is arrested on 30/06/2021 in connection with Crime No. 53/2021 registered at Police Station Kusmi, District Balrampur-Ramanujganj (C.G.) for the offence under Sections 450, 376(2)(n) & 506 of the Indian Penal Code.
- 2) Allegation against the applicant is that he subjected the prosecutrix, who is his sister-in-law in relation, to forcible sexual intercourse repeatedly from 05/12/2020 to April 2021 on the threat of life.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the incident allegedly took place from December 2020 to April 2021 but the report was lodged with an inordinate delay of 06 months without any probable explanation. In fact the prosecution, a married lady, was a consenting party to the act of the applicant and she lodged report only under the pressure of

her husband and father. He also submits that the applicant is in jail since 30/06/2021 and charge-sheet has already been filed. He submits that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of the trial is likely to take some time due to COVID-19 Pandemic. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has no criminal antecedents.
- 5) I have heard learned Counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the incident is said to have taken place during the period from December 2020 to April 2021 whereas the FIR was lodged by the father of the prosecutrix only on 30/06/2021, the applicant and the prosecutrix both are married persons, aged about 32 & 28 years old respectively, were having physical relation on number of time at several places for about 5 months but during this period she never disclosed about the same either her husband or her parents or any other family members, the incident took place in the house of the prosecutrix, the detention period of the applicant who is 28 years old, charge sheet has already been filed, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. 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/- 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 from disclosing such fact to the Court,

- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- 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 Govt./State Govt./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**

Chandrakant