

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6964 of 2021

- Khebla Nagesiya, S/o Thupa Nagesiya, aged about 25 years, residence of village – Jaljali, P.S. Samripath, District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Samripath, District Balrampur-Ramanujganj (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Sunil Tripathi, Advocate
For Non-Applicant/State	:	Shri Shrestha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

27.10.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 04.09.2020 in connection with Crime No. 5/2020 registered in Police Station Samripath, District Balrampur-Ramanujganj (C.G.), for the offence punishable under Sections 376 (D), 450, 506, 323/34 of IPC.
2. Allegation against the present applicant is that he alongwith the co-accused entered the house of the prosecutrix and committed forceful sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question for which, he is in jail since 04.09.2020 and that there is no incriminating material against him, which may hold him guilty for the commission of offence punishable under Sections 376 (D), 450, 506, 323/34 of IPC. He further submits that co-accused namely Meghu Nagesiya and Vijay have already been granted regular bail by this Court and the coordinate bench of this Court vide respective orders dated 20.09.2021 & 29.06.2021 passed in M.Cr.C. No. 5383/2021 & M.Cr.C. No. 2852/2021, and therefore, the present applicant may also be released on bail.
4. On the other hand learned counsel for the State opposes the bail

application.

5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the fact that he is in jail since 04.09.2020, that the co-accused persons have already been granted bail by this Court and the coordinate bench of this Court, the prosecutrix has not alleged anything against the present applicant in her affidavit filed before the trial Court and there is no likelihood of the applicant's tampering with the evidence or absconding as admitted by both the counsel and the trial may take some time, without commenting anything on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed. It is directed that in the event of 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/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 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