

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6696 of 2021**

- Eklavya Alias Thonku Devangan, S/o- Late Ramprasad Devangan, aged about 19 Years, R/o- Durjaband Para, Ward No. 15 Pandariya, P.S. Pandariya, District Kabirdham (Chhattisgarh).

----Applicant**Versus**

- State of Chhattisgarh, Through P.S. Pandariya, District Kabirdham (Chhattisgarh).

----Non-applicant

For Applicant	Mr. F.S. Khare, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

25/10/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.241/2021 registered at Police Station- Pandariya, District Kabirdham, C.G. for the offence punishable under Section 376 (2)(n) of Indian Penal Code.
2. Case of the prosecution, in brief, is that prosecutrix lodged a written report against the applicant alleging in it that on the pretext of marriage, applicant established physical relations with her and when she told the applicant to marry, he left her.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that prosecutrix was having love affair with the applicant for a long time

prior to lodging of the FIR and that she was a consenting party. He is in jail since 25.07.2021, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. However, she submits that applicant has no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the fact that the applicant and the prosecutrix, a major girl, were having love affair for the last one year prior to lodging of the FIR and during this period, they established physical relations on number of times, charge sheet has been filed, the detention period of the applicant, who is 19 years of age, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. 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 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

Akhilesh