

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6840 of 2021

Moolchand Thakur S/o Jalandhar Thakur, Aged About 25 Years, Residing At Bawali Tikarapara Balud, Ward No. 9, Police Station Dantewada, District Dantewada, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Police Station Geedam, District -Bastar, Chhattisgarh.

--- Respondent

For Applicant	: Mr. P.K. Tulsiyan, Advocate.
For State	: Mr. Shrikant Kaushik, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

17/09/2021

Heard.

1. First bail application of applicant was dismissed as withdrawn with liberty to revive the same after examination of prosecutrix.
2. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.55/2020, registered at Police Station -Geedam, Distt Dantewada, (C.G.), for commission of offence punishable under Section 376 (2) (n) of the Indian Penal Code.
3. Case of the prosecution in brief is that complainant/prosecutrix was having friendly relationship with applicant. They were having talking terms on Mobile Phones also. In the month of February -March, 2020, both of them visited fair at Dantewada. After returning from fair, applicant committed forceful sexual intercourse with prosecutrix behind her house on the pretext of marriage. Thereafter, applicant made physical relation with her on number of occasions at different places. Due to which, she became pregnant, thereafter, FIR was lodged. Based upon which, instant crime is registered against applicant.
4. Learned counsel for the applicant submits that false and frivolous allegations has been levelled against applicant in FIR and statement of prosecutrix recorded under Section 161 of Cr.PC. Prosecutrix was examined before the

Trial Court but she has not supported the case of prosecution. Applicant is in jail since 11.7.2020, hence, he may be enlarged on bail.

5. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that prosecutrix in FIR as well as statement recorded under Section 161 of Cr.P.C has made specific allegation against applicant. Hence, he is not entitled for grant of regular bail. However, he submits that DNA report do not support the case of prosecution.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation, submissions made by the learned counsel for the parties, period of pre-trial detention since 11.7.2020, without commenting anything on merits of the case, I am inclined to allow this bail application.
8. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-