

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6803 of 2021

- Pankaj Patkar S/o Premlal Patkar, Aged About 23 Years R/o Village Karelibaldi Chowki Karelibaldi, Police Station Magarlod, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Outpost Karelibaldi, Police Of Police Station Magarlod, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh.

---- Non-Applicant

For Applicant : Shir Anil Gulati, Advocate
For Non-Applicant/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

26.10.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 11.07.2021 in connection with Crime No. 80/2021 registered at Police Station- Outpost Karelibaldi, PS Magarlod, District- Dhamtari (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC & Section 4, 6 of POCSO.
- 2) Allegation against the applicant is that he allured the prosecutrix who is aged about 17 years, made her sit on his motorcycle, took her towards village Jalso & Mohandi and made forcible physical relation with her. On report being lodged to the above effect the aforesaid offence has been registered against the applicant and the applicant was arrested during investigation.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He further submits that the prosecutrix has already married the applicant and they were living as husband & wife and her parents have no objection to release of the applicant on bail. At the time of incident prosecutrix was more than 17 years old. Charge-sheet has already been filed, the applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 11.07.2021 and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, as per order-sheet dated 18.10.2021 the prosecutrix & her parents have no objection to release of the applicant on bail and that they have performed marriage in Arya Samaj Mandir on 15.03.2021 as per marriage certificate issued by the Arya Samaj Mandir, Shivaji Chowk, Santoshi Nagar, Raipur (C.G.), the age of the prosecutrix at the time of incident, the fact that prior to his arrest the appellant & prosecutrix were living together as husband & wife, charge-sheet has already been filed, the detention period of the applicant, who is 23 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution 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, the application is allowed.
- 6) 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/- 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 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

Nadim