

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6908 of 2021

- Kunjal Prajapati son of Ramnarayan Prajapati, aged about 25 years, Residence of Village Chera, Tumaghutrapara, Police Chouki Dindo, Thana Trikunda, District – Balrampur Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through, Police Station – Trikunda, District – Balrampur Ramanujganj (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri A.K. Yadav, Advocate
For Non-Applicant/State	:	Shri Priyanshu 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 10.07.2021 in connection with Crime No. 44/2021 registered in Police Station- Trikunda, District Balrampur Ramanujganj (CG) for the offence punishable under Sections 450, 376, 506 of IPC.
2. Prosecution story in brief is that on 10.07.2021 the husband of the prosecutrix namely Anup Gupta lodged a written report against the applicant stating that on 04.05.2021 the applicant entered his house and committed rape upon her wife.
3. Learned counsel for the applicant submit that the prosecutrix is a major and married lady aged about 30 years and due to previous enmity, the applicant has been falsely implicated by the prosecutrix and her husband in this crime. He also submits that the applicant is languishing in jail since 10.07.2021, charge-sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the applicant 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. Having regard to the facts and circumstances of the case, the fact that the incident happened on 04.05.2021 and F.I.R. lodged against the applicant on 10.07.2021, there is long delay of about two months from the incident in lodging the F.I.R., further that the prosecutrix is aged about 30 years and at the time of incident no one was present in her house except minor children nor the neighbours of the prosecutrix have not seen applicant or stated about the incident of rape upon the her, nor medical report supported the commission of rape upon the prosecutrix, the detention period of the present applicant who is 25 years old, charge-sheet has already been filed, conclusion of the trial is likely to take some time, and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsels, without expressing any opinion on merits of the case, the application is allowed.
7. 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 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