

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6936 of 2021

1. Kalam Aalam S/o Shri Mohd. Idrish, Aged About 28 Years, R/o Sonbarsa Rajwad No. 2 Thana Sonbarsa, District Shaharsa (Bihar).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Kanker, District North Baster Kanker (C.G.).

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For Respondent/State	: Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

27/10/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as he is arrested on 15/07/2021 in connection with Crime No. 137/2021 registered at Police Station Kanker, District North Baster Kanker (C.G.) for the offence under Sections 376(2)(n), 342 & 506 of the Indian Penal Code.
- 2) Allegation against the present applicant is that he subjected the prosecutrix to forcible sexual intercourse repeatedly on the threat of life. On written report being lodged to the above effect, aforesaid offence has been registered against the applicant.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the prosecutrix is a major girl of 26 years, no offence as alleged has been committed by the applicant. He also submits that the applicant is in jail since 15/07/2021, 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) I have heard learned Counsel for the parties
- 6) Considering the facts and circumstances of the case, the statement of the prosecutrix under Section 164 of Cr.P.C, the fact that both applicant and the prosecutrix are major, the detention period of the applicant who is 28 years old, charge sheet has already been filed, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, the application is **allowed**. 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/- 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,
 - 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 Govt./State Govt./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**

Chandrakant