

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7292 of 2020

- Setram Kosre S/o Heeraram Kosre Aged About 42 Years R/o Village Atikasa Tahsil Khairagarh, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh. **---- Respondent**

For Applicant : Shri Abhishek Sharma, Advocate
For Respondent/State : Dr. (Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

11.01.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 30.09.2020 in connection with Crime No.229/2020, at Police Station- Chhuikhadan, District- Rajnandgaon (C.G.) for the offence punishable under Section 376, 506 of I.P.C.
2. Allegation against the applicant is that on 30.09.2020 at around 11 a.m. when prosecutrix was working in her agricultural field, the applicant came there and forcibly committed sexual intercourse with her on the threat of life. Thereafter, report was lodged and applicant was arrested.
3. Learned counsel for the applicant would argue that the applicant is an innocent person, he has not committed any offence, he is falsely implicated. He further submits that prosecutrix is major married lady. It is submitted that incident took place in morning 11.00 am and FIR lodged at about 7.00 pm (evening). It is submitted that incident took place in the field and surprisingly, no injury on body of the prosecutrix

was found, which clearly shows that prosecutrix lodged a false report against the applicant, the applicant is in jail since 30.09.2020 and has no criminal antecedents and trial is likely to take some time for its final conclusion, therefore, he may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the complainant has lodged report in the police station making clear allegation that present applicant made forcible physical relation with the prosecutrix in the field despite knowing the fact that she is married lady. State counsel further submits that the present applicant has no criminal antecedent.
5. Having considered the submission made by learned counsel for the parties, as per MLC report no injury was found on the body of the prosecutrix who is a major married lady and the fact that applicant has no criminal antecedents as admitted by both the counsel, detention period of the applicant and conclusion of the trial is likely to take some time, therefore, the application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions :-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of

similar nature in future on bail on following
conditions:-

Sd/-

(Gautam Chourdiya)
Judge

Nadim