

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7042 of 2021

1. Amit Patwa S/o Shri Sukhnanda Patwa, Aged About 29 Years, R/o Mahavir Nagar, Simran Heights, P.S. New Rajendra Nagar, Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station New Rajendra Nagar, Raipur, District Raipur (C.G.).

---- Non-Applicant

For Applicant	: Mr. Rekhraj Baghel, Advocate.
For Respondent/State	: Mr. Shrestha Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

28/10/2021

- 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 10/07/2021 in connection with Crime No. 143/2021 registered at Police Station New Rajendra Nagar, Raipur, District Raipur (C.G.) for the offence under Sections 376 & 376(2)(n) of the Indian Penal Code.
- 2) As per the prosecution case, the applicant and the prosecutrix came in contact with each other through one Dating App. The applicant thereafter developed intimacy with the prosecutrix and on the pretext of marriage established physical relations with her and continued to have such relation on number of occasions. However, subsequently the prosecutrix came to know that the applicant was already having 2 wives and 1 child. 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 divorcee having 2 children, no offence as alleged has been committed by the applicant. He also submits that the applicant is in jail since 10/07/2021, charge-sheet has already been filed. He submits that there is no apprehension of the applicant tampering with the evidence or absconding 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 fact that the applicant is a married person having 2 children and the prosecutrix is a divorcee having 2 children, they became friends through one Dating App., there was physical relation between them on number of occasions, the fact that both applicant and the prosecutrix are major, the detention period of the applicant who is 29 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