

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8848 of 2020**

- Krishna Palhe, S/o Keshwar Palhe, aged about 21 years, Residence of Kochli Kharapara, P.S Pasta, District – Balrampur – Ramanujganj (C.G.) [In jail]
---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Balrampur, District Balrampur – Ramanujganj (C.G.)
--- Non-applicant

For Applicant	: Mr. Sunil Tripathi, Advocate.
For Non-applicant/State	: Mr. Dinesh RK Tiwari, Dy. Govt. Advocate.
For Objector	: Ms. Parwati Suryawanshi, Advocate on behalf of Mr. Bhupendra Singh, Advocate.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****15/01/2021**

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 16.10.2020 in connection with Crime No. 93/2020 registered at Police Station Balrampur, District Ramanujganj (C.G.) for the offence punishable under Sections 376 & 506 of the Indian Penal Code and Section 67 of the Information Technology Act.
- 2) The prosecution story in brief is that a written compliant was made by the prosecutrix alleging that on 6.7.2018, when the prosecutrix went to Punjab National Bank, Balrampur for her personal work, applicant came there and gave assurance her that he will provide lift to her and drop her near the bus stand but by taking undue advantage, applicant took her near the Sendur river and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.
- 3) Counsel for the applicant submits that the prosecutrix is a major girl and she is consenting party to the act of accused/applicant and the applicant has been falsely implicated in the offence. He submits that the applicant has been arrested on 24.04.2020 and the trial is likely to take time for its final disposal and no useful purpose would be served in further detaining him in jail and, therefore, the applicant is entitled to be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and the fact that the prosecutrix is a married lady of 28 years having two sons, the applicant is aged about 21 years, they had physical relations since July 2018 to January, 2020, the FIR was lodged belatedly on 30.5.2020 and further considering the detention period of the applicant; trial is likely to take time for its final disposal and no useful purpose would be served in further detaining him in jail, without commenting on merits of the case; the bail 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 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, 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.

Certified copy as per rules.

Sd/-

**(Gautam Chourdiya)
Judge**

D/-