

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8808 of 2020**

1. Ashish Singh S/o Vijay Singh Aged About 30 Years R/o- Hemunagar, Near Om Shanti Cottage, Police Station- Torwa, Bilaspur (C.G.).

**---- Applicant**

**Versus**

1. State Of Chhattisgarh Through- Police Station- Torwa, District- Bilaspur (C.G.).

**---- Respondent**

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| For Applicant        | : Shri Ajay Kumar Dwivedi, Advocate.          |
| For Respondent/State | : Dr. (Ms.) Veena Nair, Dy. Advocate General. |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**06/01/2021**

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 30/10/2020 in connection with Crime No. 445/2019 registered at Police Station Torwa, Bilaspur (C.G.) for the offence under Section 376(D) of IPC.
- 2) Allegation against the applicant is that the prosecutrix, a married lady, was living with her husband in the house of uncle of the present applicant on rent. During this period the prosecutrix got acquainted with the present applicant who use to frequently visit the house of his uncle. Thereafter, the prosecutrix and the present applicant had physical relations as a result of which the prosecutrix delivered a male child and at the instance of applicant she divorced her husband. However, when the prosecutrix asked the applicant for marrying her, he refused and fled away. On report being lodged to the above effect, offence under the aforesaid section has been registered against the applicant.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. In fact the prosecutrix has been pressurizing the applicant for marrying her or else she would falsely implicate him in a criminal case, therefore he had made a complaint to the Superintendent of Police, Bilaspur in this regard. He submits that the applicant is in jail since 30/10/2020 and conclusion of the trial is likely to take some time. Therefore, the present applicant 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, the age of the prosecutrix, the fact that she was obtained divorce from her husband and was having physical relation with the applicant for a long time, the applicant is in jail since 30/10/2020 and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of 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. He is directed to appear before the Trial Court on each and every date given to him by the said Court, till disposal of the trial.
- 6) It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stands cancelled without further reference to the Bench.

**-Sd/-**  
**(Gautam Chourdiya)**  
**Judge**