

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8059 of 2021

Chhedi Ram Jatwar @ Chhedi Jatwar S/o Late Ghurwaram Jatwar Aged About 32 Years R/o Village - Bansiya Satnamipara Present R/o Dr. Ambedkar Nagar, Fatahamuda Chowki Jutemill District- Raigarh Chhattisgarh. ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer P. S. Chakradhar Nagar Chowki Jutemill District- Raigarh Chhattisgarh. ---- **Non-Applicant**

For Applicant: Shri Krishna Tandon, Advocate.
For Non-Applicant/State : Ms. Ishwari Grithlahare, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

29.10.2021

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 in connection with Crime No.760/2021 registered at Police Station – Chakradharnagar, Chowki Jutemill, District – Raigarh, Chhattisgarh for the offence punishable under Sections 376 & 323 IPC.
2. Prosecution case in brief is that the Applicant has physically molested the prosecutrix on the pretext of marriage. On coming to know the bad intentions of the Applicant, the prosecutrix had lodged the FIR and later, he has been released on bail by the Sessions Judge. Subsequently, another prosecutrix, being the tenant of the present Applicant has also lodged a complaint against him. Thereafter, the prosecutrix in this case has preferred an application for cancellation of bail, which was allowed by the Sessions Judge and his bail was cancelled.
3. Learned counsel for the Applicant submits that the Applicant is

innocent and has been falsely implicated in the crime in question and is in custody since 14.12.2020. He further submits that both the victims have turned hostile before the trial Court. The first prosecutrix had lodged the FIR out of anger and the second one had monetary issues regarding payment of rent and therefore, the Applicant may be released on bail.

4. Per contra, learned Counsel for the State opposed the bail application.

5. Considering the facts and circumstances of the case, looking to the period of detention, the nature of evidence, the statements of both the victims in two different cases, the fact that both of them are major and the trial is likely to take some time for its conclusion, I am inclined to grant regular bail to the Applicant.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed. In case any default is committed by the Applicant in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya