

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8263 of 2021**

- Ram Indwar, S/o Shambhu Ram, Aged About 28 Years, Caste - Malar, R/o Karma, Tahsil Bagicha, District- Jashpur, Chhattisgarh. **---- Applicant**

**Versus**

- State of Chhattisgarh, Through- Station House Officer, Police Station Bagicha, District- Jashpur, Chhattisgarh. **---- Non-Applicant**

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|-------------------------|---|------------------------------------------------------------------------|
| For Applicant           | : | Shri Nimesh Jha, Advocate on behalf of<br>Shri Manoj Chauhan, Advocate |
| For Non-Applicant/State | : | Shri Priyanshu Gupta, P. L.                                            |

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order on Board**

**29.11. 2021**

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 16.01.2021 in connection with Crime No. 10/2021 registered at Police Station- Bagicha, District- Jashpur (C.G.) for the offence punishable under Sections 363, 376 (1), 366 of IPC and Section 4 of POCSO Act.
- 2) Allegation against the applicant is that applicant enticed the prosecutrix, took her on his motorcycle towards Ambikapur road and committed forcible sexual intercourse with her. Thereafter, he took her somewhere, she jumped from the vehicle, hide herself into the agricultural field, she spent whole night in the field. Next morning, she reached on main road where she went her relatives house through the bus.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant was not abducted by him nor he made

forcible physical relation with her, PW/1 & 2 turned hostile, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 16.01.2021 and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) The prosecutrix has appeared through VC alongwith her father, she raised no objection to release of the applicant on bail.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, as per Annexure A/2 i.e. evidence of the prosecutrix & her father where they did not support the prosecution case and turned hostile, no objection raised by the prosecutrix to release of the applicant on bail, the detention period of the applicant, who is 28 years, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 7) 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/- each to the satisfaction of the concerned trial Court, he shall be released on bail, on 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/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**

Nadim