

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7999 of 2021

- Prakash Das, S/o Chamra Das, Aged About 19 Years, Caste Panika, R/o Village Mangamar, Police Station, Dipka, District Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Dipka, District Korba, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. Dharmesh Shrivastava, Advocate
Mr. Ishwar Jaiswal, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

28/10/2021

1. The applicant has preferred this first bail application under Section 439 of CrPC for grant of bail, as he is arrested in connection with Crime No.274/2021, registered at Police Station Dipka, District Korba for the offence punishable under Section 376 of IPC.
2. The case of the prosecution in brief is that the applicant has made physical relation with the prosecutrix on the pretext of marriage, thereby he committed the said offence.
3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the crime in

question. He further submits that the prosecutrix is a major lady and she was having relationship with the applicant since long, as such no case is made out against the applicant. The applicant is in jail since 22.09.2021 and the trial is likely to take some time, therefore, the applicant may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, considering the fact that the prosecutrix is a major lady having relationship with the applicant since long, without commenting anything on the merits of the case, this Court finds fit to release the applicant on regular bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of ₹ 10,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, subject to following conditions:

(I) The applicant shall furnish coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court, which shall be verified from its original by the trial Court, at the time of bail.

(II) The applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the same nature, otherwise bail granted to him shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/ applicant 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/her from disclosing such facts to the Court or to any police officer.

(IV) The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge

Nirala