

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8988 of 2020

1. Ramkhelawan S/o Mohan Gond, Aged About 25 Years, Residence Of Kakna, Police Chowki Bariyo, Police Station Rajpur, District Balrampur-Ramanujganj (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Rajpur, District Balrampur-Ramanujganj (C.G.).

---- Respondent

For Applicant	: Ms. C. Jayant Rao, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/01/2021

- 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 09/05/2019 in connection with Crime No. 123/2019 registered at Police Station Rajpur, District Balrampur-Ramanujganj (C.G.) for the offence under Section 376(2)(n) of IPC.
- 2) As per the prosecution case, the prosecutrix came in contact with the applicant in the year 2014 through mobile phone and since 2014 to 2019 the applicant had physical relations with the prosecutrix on the pretext of marrying her but subsequently he refuse to marry her. 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. He submits that the prosecutrix was a major lady and had physical

relation with the applicant with her own consent. The applicant is in jail since 09/05/2019, charge sheet has already been filed 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) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the prosecutrix is a grown up lady of 35 years, the applicant is aged about 25 years, they had affair since 2014 to 2019 and during this period they had physical relations continuously, the FIR is lodged with an inordinate delay on 09/05/2019, the applicant is in jail since 09/05/2019 and fact that 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 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.

-Sd/-
(Gautam Chourdiya)
Judge