

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 8966 of 2020

- Baleshwar S/o Ramvriksh, Aged about 19 years, By Caste Kanwar, R/o Village Jarhadih, P.S. Udaipur, District Surguja (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through Police Station Udaipur, District Surguja (C.G.)

---- State/Non-applicant

For Applicant : Shri Sanjay Pathak, Advocate

For Non-Applicant/State : Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

11.01.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 12.11.2020 in connection with Crime No. 150/2020 registered in Police Station- Udaipur, District Surguja (CG) for the offence punishable under Section 376 (2) (n) of IPC.
2. Allegation against the present applicant is that on 10.03.2020, the applicant called the prosecutrix, aged about 19 years, to his Village Jarhadih and on the pretext of marriage, he committed sexual intercourse with her against her will and thereafter he refused to marry with her. Therefore, on 12.11.2020 the written report was lodged by the prosecutrix against the applicant.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He submits that the applicant is in jail since 12.11.2020 and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail

application.

5. Considering the facts and circumstances of the case, as per case diary, the applicant and the prosecutrix were having affair from March, 2020 till the date of lodging of the report and they also had physical relationship on number of occasions, that the applicant is in jail since 12.11.2020 and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the application is allowed.
6. 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge