

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8451 of 2021**

- Arjun Singh Maravi, S/o Late Shri Anand Ram, aged about 22 Years, R/o Keshavpur Police Station Gandhinagar, District Surguja, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Police Station Kotwali Ambikapur, District Surguja, Chhattisgarh.

---- Non-applicant

For Applicant	Mr. Rohitashva Singh, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

30/11/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.141/2021 registered at Police Station Kotwali Ambikapur, District Surguja, C.G. for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 4 of POCSO Act.
2. Allegation against the present applicant is that he having abducted the prosecutrix, a minor girl of 16 years, made forcible sexual intercourse with her on the pretext of marriage. On report being lodged to the above effect, the aforesaid offence have 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 also submits

that applicant has not played any role in alleged offence. The prosecutrix has been examined before the trial Court as per Annexure A-2, she has turned hostile and not supported the prosecution case at all. Applicant is in custody since 07.07.2021, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, they may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicant has no criminal antecedent.
5. Despite service of notice, neither the prosecutrix is present in person nor is there any representation on her behalf.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the deposition of the prosecutrix recorded before the trial Court, charge sheet has been filed, the detention period of the applicant, who is 22 years old, the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the 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, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. It is directed that in the event of 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 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.

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

Akhilesh