

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9288 of 2020

- Raja Gupta S/o Anil Gupta, Aged About 24 Years R/o Tapkara, Near Puja Fancy Store, Police Station - Tapkara, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Police Station, Mahila Thana Bilaspur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

--Respondent

For Applicant	:	Shri Sanjay Agrawal, Advocate
For Respondent/State	:	Shri Vaibhav Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

29.01.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 26.11.2020 in connection with Crime No.38/2020, registered at Police Station-Mahila Thana, Bilaspur, District Bilaspur(C.G.) for the offence punishable under Sections 376, 506 of the IPC.
2. Case of the prosecution is that the applicant committed sexual intercourse with the prosecutrix on the pretext of marriage and thereafter, he denied marrying her and threatened to death. Based on this, an offence has been registered and the applicant was arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the prosecutrix is aged about 25 years and the age of the applicant is 24 years. There was love affair between the prosecutrix and the applicant since 1 year and she has resided with the applicant in the house of one Pankaj Choudhary for about 4 months on her own will and

no video clip has been seized from the possession of the applicant. He submits that yet charge sheet has not been filed and conclusion of trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
5. Having considered the submissions made by learned counsel for the parties, the nature of allegations against the applicant and further considering the fact that the prosecutrix is a major lady; detention period of the applicant and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the 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 following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge