

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8728 of 2021

Suhel Bharadwaj Aged About 24 Years S/o Shri Tarkeshwar Bharadwaj R/o Near Maharani Hospital Blood Bank, P.S. Kotwali, District Jagdalpur, Bastar Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Nagarnar, District Jagdalpur, Bastar Chhattisgarh.

---- Respondent

For Applicant	:	Shri Ishan Verma, Advocate
For Respondent – State	:	Shri Wasim Miyan, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

16.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.152/2021 registered at Police Station Nagarnar, District – Jagdalpur, Bastar (CG) for the offence punishable under Sections 366, 376 ad 506 of the IPC.
2. As per the prosecution case, the applicant had abducted the prosecutrix and solemnized marriage with her and made physical relations without her consent. Thereafter, the report has been lodged against the applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and he is falsely implicated in the present case. He further submits that the prosecutrix is a consenting party as she accompanied with the applicant on her own will. The applicant is in jail since 25.08.2021, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering that the prosecutrix is a grown up major lady of 24 years of age, the applicant is in jail since 25.08.2021 and further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the 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/-

(Deepak Kumar Tiwari)
Judge