

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 12 of 2021

1. Dulamani Bhoy S/o Heeradhar Bhoy, Aged About 26 Years, R/o Gram Lukapara, Thana Sariyateh, Baramkela, District Raigarh (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Sariya, District Raigarh (C.G.).

---- Non-Applicant

For Applicant : Mr. Awadh Tripathi, Advocate.

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

21/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 30/09/2020 in connection with Crime No. 162/2020 registered at Police Station Sariya, District Raigarh (C.G.) for the offence punishable under Section 376, 506, 323 of Indian Penal Code.
- 3) Allegation against the present applicant is that on 13/07/2020 at around 11 PM he took the prosecutrix on the allurement of marriage to his house where he had physical relation with her for a week.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant has been arrested on 30/09/2020, charge sheet has been filed and trial is likely to take some time for its disposal.

He also submits that the prosecutrix and the applicant want to marry, the prosecutrix has no objection to release of applicant on bail. The father of the applicant has also filed his affidavit stating that the applicant is ready to marry with the prosecutrix and there is objection on his behalf to this marriage. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Considering the facts and circumstances of the case, the nature of allegation made against the applicant, the fact that the applicant and the prosecutrix having affair, the applicant is ready to marry with prosecutrix, the prosecutrix had appeared in person before this Court on 26/02/2021 and raised no objection to release of the applicant on bail, the affidavit of father of the applicant Heeradhar wherein he stated that the applicant is ready to marry with the prosecutrix and he has no objection to this marriage, the detention period of the applicant who is 26 years old, charge sheet has already been filed, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- 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 Govt./State Govt./Local Authority.
- v. he shall not involve himself in any offence of similar nature in future.

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**

Chandrakant