

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2 of 2021

1. Pravin Sahu S/o Shri Kamleshwar Prasad Sahu, Aged About 25 Years, R/o House No. 33, Sector 2, Street No. 07, Near Malsay Talab, Professor Colony, Raipur District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Purani Basti, District Raipur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Pragalbha Sharma, Advocate.
For Non-Applicant/State	:	Mr. B.L. Sahu, Panel lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/02/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 11/11/2020 in connection with Crime No. 312/2020 registered at Police Station Purani Basti, District Raipur (C.G.) for the offence under Sections 376, 376(2)(n) & 506 of IPC.
- 2) Case of the prosecution in brief is that on 30/08/2019 the applicant was celebrating his birthday where the prosecutrix had also come. The applicant forcibly caught hold of the prosecutrix and started kissing her saying that he is in love with her. The prosecutrix being afraid of the act of the applicant came out of the room. Thereafter, the applicant told her that he had made a video of the above incident and threatened that he would make the said video viral if she did not allow him to her sexual intercourse with her. On above threatened, the applicant committed rape with the prosecutrix repeatedly. On report being lodged to the above effect on 10/11/2020 the aforesaid offence has been registered against the applicant.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated as the story put forth by the prosecutrix is highly improbable. The prosecutrix has stated different stories in her statements under Section 161 and Section 164 of Cr.P.C. The FIR has also been lodged with an inordinate delay without any explanation for the same. He submits that the prosecutrix is a married lady of 29 years having 2 children, the applicant is 25 years old pursuing his studies M.S.C. (Mathematics), he is in jail since 11/11/2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the age of the applicant i.e. 25 years and the age of the prosecutrix i.e. 29 years who is married lady having 2 children, the applicant is alleged to have physical relations with the prosecutrix since 30/08/2019 to 02/07/2020, the FIR was lodged on 10/11/2020, the detention period of the applicant, there is no apprehension of the applicant tampering with the evidence or absconding and that the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. 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 Court.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant