

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9075 of 2021

- Rupendra Kumar Navik @ Bittu, S/o Shri Santosh Kumar Navik, Aged About 19 Years, Caste- Kewat, R/o Nagar Panchayat Pratappur, Police Station Pratappur, Tahsil- Surajpur, District- Surajpur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station Chirmiri, District- Koriya, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri V. K. Pandey, Advocate
For Non-Applicant/State : Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

13.12.2021

Heard.

- 1) First bail application of the applicant filed u/s 439 of CrPC was dismissed as withdrawn by this Court vide order dated 09.09.2021 passed in MCRC No. 3553 of 2021.
- 2) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 08.05.2021 in connection with Crime No. 97/2021, registered at Police Station- Chirmiri, District- Koriya (C.G.) for the offence punishable under Sections 376(2)(n), 342 & 506 of IPC.
- 3) Prosecution case, in brief, is that the prosecutrix went Surajpur where she met the applicant, thereafter, they exchanged their mobile numbers and started talking with each-other. The applicant made allurements and called the prosecutrix to Pratappur on the pretext of marriage. The prosecutrix went Pratappur thereafter the applicant taken her to lodge and made

forcible sexual intercourse with her on the pretext of marriage, thereafter, he snatched her mobile phone and he was not allowing her to leave from the lodge. The applicant kept her from 30.03.2021 to 01.04.2021 and during this period he made forcible sexual intercourse with her on the pretext of marriage and also the applicant threatened her to life.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as per evidence of the prosecutrix, she stated nothing about the above allegations, in fact, she did not support the prosecution case and turned hostile. It is further submitted that applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 08.05.2021, charge-sheet has already been filed and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, as per covering memo, certified copy of evidence of the prosecutrix (PW/4), she stated nothing about the incident that applicant committed sexual intercourse with her on the pretext of marriage, she did not support entire prosecution case, charge-sheet has already been filed, the detention period of the applicant, who is 19 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution 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, the application is allowed.
- 7) 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/- each to the satisfaction of the concerned trial Court, he shall be released on bail, on 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,

(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

Nadim