

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9014 of 2021

1. Sandeep Sharma S/o Late Kabilas Sharma, Aged About 22 Years, R/o Sugahi, Police Station Salempur, District Umariya (U.P.) At Present R/o Devnagar, Police Station Koni, District Bilaspur (C.G.).

---- Applicant

Versus

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

---- Non-Applicant

For Applicant	: Ms. Nirupama Bajapi, Advocate.
For Non-Applicant/State	: Ms. Binu Sharma, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

17/12/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as he is arrested on 19/11/2020 in connection with Crime No. 1080/2020 registered at Police Station Sarkanda, District Bilaspur (C.G.) for the offence under Section 376 of Indian Penal Code.
- 2) Allegation against the present applicant is that on the pretext of marriage he established physical relation with the prosecutrix from 21/07/2018 till 20/03/2020 and subsequently refused to marry her. On written report being lodged to the above effect on 19/11/2020 by the prosecutrix, aforesaid offence has been registered against the accused.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. There is inordinate delay in lodging the FIR as the incident allegedly took place in the year 2018 whereas the report was lodged in 2020. The prosecutrix is a married woman having 5 years daughter. In

fact the relationship between the applicant and the prosecutrix was consensual. He submits that there is no apprehension of the applicant tampering with the evidence or absconding. She also submits that charge sheet has already been filed and the applicant is in jail since 19/11/2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application.
- 5) I have heard learned Counsel for the parties
- 6) Considering the facts and circumstances of the case, the fact that there has been physical relations between the applicant and the prosecutrix since 21/07/2018 to 20/03/2020, during the said period they visited several places, the prosecutrix is a married woman having 1 daughter, the detention period of the applicant who is 22 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, 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,
 - 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