

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9123 of 2021

- Sheikh Shabir, S/o Sheik Bade Manboob, Aged About 30 Years, R/o Nagar Palika Prishad Sukma, Tahsil and District Sukma, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police of Police Station Sukma, District Sukma, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. Praveen Dhurandhar, Advocate
Mr. Shakti Singh, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

17/12/2021

1. The applicant has preferred this first bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.71/2021, registered at Police Station Sukma, District Sukma for the offence punishable under Sections 313, 376 & 506 of IPC.
2. The case of the prosecution in brief is that the prosecutrix made a report to the police station that she was working as labour in construction project, where the applicant was also working and while the project was going on, the applicant committed sexual intercourse with her, due to which she sustained pregnancy and was terminated by the applicant,

thereafter the FIR was registered and the applicant was arrested.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the prosecutrix is a consenting party. The applicant is in jail since 06.09.2021, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of offence, further considering the fact that the prosecutrix lodged FIR after termination of the pregnancy and the prosecutrix is a major grown up lady, this Court finds that the applicant be enlarged on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of ₹ 5,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, subject to following conditions:

(I) The applicant shall furnish a coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court at the time of

bail, which shall be verified from its original by the trial Court.

(II) The applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the same nature, otherwise the bail granted to him shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/ applicant 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/her from disclosing such facts to the Court or to any police officer.

(IV) The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge