

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9139 of 2021

1. Vijay Kumar @ Pradhan S/o Shivraj Patel, Aged About 29 Years, R/o Village Khajura, Police Station Anpara, District Sonbhadra (U. P.) At Present R/o E.W.S. Sector-30, Under Construction Building, Nawa Raipur, Police Station Rakhi, District Raipur (C.G.).

---- Applicant

Versus

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

---- Non-Applicant

For Applicant : Mr. Krishna Kumar Dewangan, Advocate.
For Non-Applicant/State : Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

23/11/2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) This is the **Second Bail Application** filed by the applicant under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. First Bail Application i.e. MCRC No. 2080/2021 was dismissed as withdrawn vide order dated 21/06/2021.
- 5) The applicant is in jail since 24/02/2021 in connection with Crime No. 35/2021 registered at Police Station Rakhi, District Raipur (C.G.) for the offence under Sections 376(2)(n) & 506 of Indian Penal Code.
- 6) As per the prosecution case on 22/02/2021 while the prosecutrix, a married lady was going to a Mela (Fair) in the evening on foot,

on the way the applicant came there on motorcycle and as he was acquainted with the prosecutrix, she requested him for dropping her at Tendua Nala. However, the accused applicant took her to another place and committed repeated sexual intercourse with her, beat her and also threatened her of life. On written report being lodged to the above effect, aforesaid offence has been registered against the accused.

- 7) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the prosecutrix is a major lady of 37 years, no offence as alleged has been committed by the applicant. He also submits that the applicant is in jail since 24/02/2021 and charge-sheet has already been filed. He submits that there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
- 8) On the other hand, learned counsel for the State opposes the bail application.
- 9) I have heard learned Counsel for the parties
- 10) Considering the facts and circumstances of the case, the nature of the allegation against the present applicant, the deposition of the prosecutrix recorded before the Trial Court (Annexure A-3), the detention period of the applicant who is 29 years old, 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