

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9134 of 2021

- Jaleshwar, S/o Shivprasad Baghel, Aged About 25 Years, R/o Village – Neur, Police Station – Kukdur, Tehsil – Pandariya, District Kabirdham, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Kukdur, Tehsil Pandariya, District Kabirdham, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. Basant Dewangan, 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.96/2021, registered at Police Station Kukdur, District Kabirdham for the offence punishable under Sections 450, 376 (2) & 313 of IPC.
2. The case of the prosecution in brief is that the prosecutrix lodged an FIR against the applicant that he committed forcible sexual intercourse with her for a period of 3 years on the pretext of marriage, therefore, the aforesaid offence has been registered.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. The prosecutrix on her own will terminated the pregnancy. She herself admitted that even after termination of pregnancy, she was in relationship with the applicant. The applicant is in jail since 09.09.2021, 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, the fact that the prosecutrix was having relationship with the applicant since long, without commenting anything on the merits of the case, this Court finds fit to enlarge the applicant 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 ₹ 10,000/- 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 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

Nirala