

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9385 of 2021

1. Keyur Bhushan Tandan S/o Moti Ram Tandan, Aged About 23 Years, R/o Village Tedhibhadara, Police Station Bhatgaon, District Balodabazar-Bhatapara (C.G.).

---- Applicant

Versus

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

---- Non-Applicant

For Applicant : Mr. Vijay Kumar Sahu, Advocate.
For Non-Applicant/State : Mr. Rahim Ubwani, Panel Lawyer.
For Objector/complainant: Mr. K.K. Dewangan, Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

13/12/2021

- 1) This is the **Third Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 6328/2021 was dismissed as withdrawn on 21/09/2021 and the Second Bail Application i.e. MCRC No. 9066/2021 was also dismissed as withdrawn on 18/11/2021.
- 2) The applicant is arrested on 17/07/2021 in connection with Crime No. 314/2021 registered at Police Station Kusmunda, District Korba (C.G.) for the offence under Sections 376(2)(N) & 417 of Indian Penal Code.
- 3) Allegation against the applicant is that he committed forcible sexual intercourse with the prosecutrix repeatedly on the pretext of marriage from June 2020 till lodging of FIR but later on refused to perform marriage with her. On written report being lodged to the above effect, aforesaid offence has been registered against the accused.

- 4) 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 married woman having three daughters and had physical relation with the applicant of her own free will. He submits that there is no apprehension of the applicant tampering with the evidence or absconding. He also submits that the applicant is in jail since 17/07/2021, charge-sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) Prosecutrix alongwith her father Madhusudan Vyas is present in person and they have no objection to release of the applicant on bail. Prosecutrix and her father have been duly identified by the Counsel for the Objector. Copy of the Aadhar card of the prosecutrix & her father have also been taken on record today.
- 7) I have heard learned Counsel for the parties
- 8) Considering the facts and circumstances of the case, the fact that the prosecutrix, a woman of 23 years, and the applicant were having physical relation on number of occasions from June 2020 to lodging of FIR, the prosecutrix and her father have no objection to release of the applicant on bail, the detention period of the applicant who is 23 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