

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9700 of 2021

- Abhay Bada, S/o Jainath Bada, Aged About 24 Years, R/o Village Gamharia Pandripani, Tehsil and District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station City Kotwali Jashpur, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant
For Respondent

Mr. S. K. Dewangan, Advocate
Ms. Smita Jha, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

20/12/2021

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.202/2021, registered at Police Station City Kotwali, District Jashpur for the offence punishable under Section 376 (2) (n) of IPC.
2. The case of the prosecution in brief is that the applicant committed sexual intercourse with the prosecutrix on promise to marry but later on refused to marry her, thereafter the complainant lodged a report against the applicant.
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 there is delay of more than 1 year and 6 months in lodging the FIR and the prosecutrix is a major lady. The applicant is in jail since 19.09.2021, therefore, he may be released on bail.

4. Per contra, 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 accusation, the prosecutrix is a major lady, the fact that consent or misconception of facts is subject to evidence, this Court finds fit 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 ₹ 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