

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9767 of 2021

- Sudhir Tirkey, S/o Stanislal Tirkey, Aged About 45 Years, Resident of Village Kantasaru, Police Station Duldula, District Jashpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Rajpur, District Balrampur Ramanujganj, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. A. K. Yadav, Advocate
Mr. Afroj Khan, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

21/12/2021

1. The applicant has preferred this second bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.50/2021, registered at Police Station Rajpur, District Balrampur-Ramanujganj for the offence punishable under Section 376 (2) (n) of IPC.
2. The first bail application of the applicant was dismissed on 28.07.2021 in MCRC No.3653/2021, however, the liberty was reserved to revive the prayer after examination of the prosecutrix.
3. The case of the prosecution in brief is that the applicant committed sexual intercourse with the prosecutrix on promise

to marry, even though he was already married before their relations began, thereby he committed the said offence.

4. 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 has not supported the case of the prosecution and has turned hostile and only on the pressure of her parents, she has lodged a false complaint against the applicant. The applicant is in jail since 12.03.2021, therefore, he may be released on bail.
5. Per contra, learned State counsel opposes the bail application.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, particularly the statement of the prosecutrix, without commenting anything on the merits of the case, this Court finds fit that the applicant be enlarged on bail.
8. 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