

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9672 of 2021

Balram Narote S/o Kaliram Narote, Aged About 21 Years Caste Gond, R/o. Village Badgaon, Police Station Aundhi, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through - The Station House Officer, Police Station Aundhi, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Punit Ruparel, Advocate
For Respondent – State	:	Shri Ishwar Jaiswal, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

20.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.16/2021, registered at Police Station Aundhi, District – Rajnandgaon (CG) for the offence punishable under Sections 376 and 376 (2)(N) of the IPC.
2. As per the prosecution case, the prosecutrix lodged a report on 23.07.2021 when she and applicant went to Tamilnadu City Atur for earning their livelihood in October, 2020, the applicant committed sexual intercourse with her on false pretext of marriage. Thereafter, the prosecutrix became two months pregnant due to which a Panchayat meeting was held in which the applicant made a promise before the Panchas' for keeping the prosecutrix along with his wife and daughter but he did not do the same. The prosecutrix is now seven months pregnant and resides separately with

applicant. Therefore, based on this the FIR has been lodged against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and he is falsely implicated in the present case. He further submits that prosecutrix is a major lady aged about 20 years. It is submitted that the applicant is in jail since 24.07.2021 and trial is likely to take some time, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering that the report has been lodged after the prosecutrix became pregnant and further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, conclusion of trial may take some time, without further commenting on merits of the case, the application is allowed.
6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions :-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge