

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9764 of 2021

Suraj Sharma S/o Manohar Lal Sharma Aged About 39 Years R/o Village Court Chowk Akashwani Road Jagdalpur, District Bastar Chhattisgarh.
---- Applicant

Versus

State Of Chhattisgarh Through The Police Station City Kotwali, Jagdalpur, District Bastar Chhattisgarh.
---- Non-Applicant

For Applicant:	Shri PK Tulsian along with the victim, Advocate.
For Non-Applicant/State :	Ms. Reena Singh, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

20.12.2021

1. This is the 1st bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.309/2021 registered at Police Station –City Kotwali, Jagdalpur District – Bastar, Chhattisgarh for the offence punishable under Sections 376 and 313 IPC.
2. Case of the prosecution in brief is that the prosecutrix has lodged FIR against the present Applicant for having physical relationship with her since long on the ground of pretext of marriage and therefore, offence has been registered against him under the sections as aforementioned.
3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the crime in question, the prosecutrix is a major lady and is an Advocate by profession and also a consenting party. He further submits that the prosecutrix is personally present before this Court today and has no objection if the Applicant is released on bail. He further

submits that there is no likelihood of the Applicant tampering with the prosecution evidence or absconding, he is in jail since on 02.10.2021 and trial is likely to take some time for its final disposal, therefore, he may be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the period of detention, the fact that prosecutrix is personally present before this Court today and has no objection if the Applicant is released on bail and there is no likelihood of the Applicant tampering with the prosecution evidence or absconding and conclusion of trial may take some time, 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 each 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