



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 756 of 2023

Sagar Netam S/o Naresh Netam, Aged About 21 Years R/o Village - Chhote Purda, Police Station - Bori, Tahsil - Dhamdha, District - Durg Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Police Station - Bori, District - Durg Chhattisgarh.

----Non-applicant

For Applicant	Shri Sudhanshu Kumar Singh, Advocate.
For State	Ms. Shubha Shrivastava, P.L.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

14/02/2023

1. This is first bail application under Section 439 of CrPC. The applicant has been arrested in connection with Crime No.170/2022 registered at Police Station Bori, District Durg (C.G.) for the offence punishable under Sections 363, 366(A), 376(2)(n) of IPC and Sections 5 (अ)/6 of POCSO Act.
2. The case of the prosecution is that the applicant has abducted the prosecutrix and committed sexual intercourse with her on pretext of marriage.
3. Learned counsel for the applicant submits that he has been falsely implicated in the instant case. He further submits that there is love affair between applicant and prosecutrix since long, prosecutrix has not supported the case of the prosecution and has turned hostile, applicant is in jail since 19/11/2022 and the trial is likely to take some time, therefore, he may be granted bail.
4. Per contra, learned counsel for the respondent/State opposes the bail application.
5. Today, prosecutrix and her father appeared through video conferencing from the concerned DLSA and stated that they have no objection with regard to grant of bail to the applicant.
6. Heard learned counsel for the parties, considered their rival submissions, period of detention of the applicant, statement of the prosecutrix, trial is



likely to take time, without commenting anything on merits, I am inclined to enlarge the applicant on bail. Accordingly, the bail application is allowed.

7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.25,000/- with one surety to the satisfaction of the concerned trial Court, he shall be released on bail, on 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, and
- (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,

8. Applicant shall not contact with any of the witnesses.

9. It is made clear that these observations are only for the purposes of deciding the bail application. The trial Court will decide the case on its own merits without being influenced by any observation made herein-above. It is also made clear that the victim/complainant or State is at liberty to move an application regarding cancellation of bail of the applicant in the event of applicant involving himself in similar offence in future.

Sd/-
Sachin Singh Rajput
Judge

Kamde