

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6209 of 2015

Nilesh Kumar Yadav @ Monu, son of Ajay Prasad Yadav, aged about 22 years, by caste Yadav, resident of Sangam Nagar, Bela Kachhar, Police Station Balco Nagar, Civil & Revenue District, Korba (C.G) ... **Applicant**

Versus

State of Chhattisgarh through the Police Station BALCO Nagar, Civil & Revenue District Korba (C.G). ... **Respondent**

For the applicant	:	Mr. Akhilesh Kumar, Advocate
For the Respondent	:	Mr. Ashok Swarnkar, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23 .11.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No.154 of 2015 registered at Police station Balco Nagar, Civil & Revenue District Korba (C.G), for the offences punishable under sections 376 & 323 IPC.
2. As per the prosecution case, the applicant who is neighbour of the prosecutrix committed sexual intercourse on the pretext of marriage and she became pregnant from the applicant. When the applicant was requested for marriage with prosecutrix, it was turned down, thereby the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix was a married lady and therefore, she could not have been legally accepted wife unless and until her earlier marriage was dissolved by the competent court and therefore, no offence has been committed.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Having regard to the statement of prosecutrix and the manner in which the offence has been committed, I am not inclined to allow this

application. Accordingly, it is dismissed.

6. The applicant shall be at liberty to renew the prayer after the prosecutrix is examined.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao