

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4740 of 2015

Sonuram Baghel, S/o Lt. Bhaduram Baghel, aged about 35 years, residing at Village Ghatpadmur, Bhataguda Para, Tahsil Jagdalpur, P.S. Parpa, Revenue and Civil Distt. Bastar (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Parpa, Distt. Bastar (C.G.)

---- Non-applicant

For Applicant:	Mr. P.K. Tulsyan, Advocate.
For Non-applicant:	Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.128/2015, registered at Police Station Parpa, Distt. Bastar, for the offence punishable under Section 376 of the IPC.
2. Case of the prosecution, in brief, is that the applicant repeatedly committed sexual intercourse with the prosecutrix from 25-6-2013 till the date of FIR i.e. 20-7-2015, on the pretext of marriage, and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that there is huge delay in making FIR, the applicant had already married the prosecutrix as per the custom prevalent in Bastar District and he has been falsely implicated on the pressure made by

maternal uncle of the prosecutrix, who is a police constable. The applicant has been arrested on 22-7-2015. The prosecutrix is major and consenting party as well as second wife of the applicant and, therefore, the applicant deserves to be released on bail.

4. On the other hand, learned State counsel opposes the application and submits, on the basis of police report and material available in the case diary, that being a married person and Government servant, knowing fully well that he is not entitled to remarry, on the pretext of marriage, the applicant committed sexual intercourse with the prosecutrix for fairly long time and is likely threaten and cause damage to the prosecutrix, if he is released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, the fact that the applicant, who was already married, is said to have committed sexual intercourse with the prosecutrix and considering the apprehension of the State to harm the complainant / prosecutrix if the applicant is released on bail, I do not find it a fit case for grant of regular bail to the applicant. The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge