

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6344 of 2015

1. Naresh Nishad, S/o. Late Chinta Nishad, aged about 22 years, R/o. Saraipali, Police Station : Chakradhar Nagar, Tahsil and District – Raigarh (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, P.S. Chakradhar Nagar, District Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2015

1. This is the first 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.183/2015, registered at Police Station – Chakradhar Nagar, District – Raigarh (C.G.) for the offence punishable under Section 376, 313 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 09.06.2015, a report was lodged that the applicant has committed sexual intercourse with the prosecutrix on the pretext of marriage and subsequently, when she became pregnant, against her will miscarriage was done and thereby sexually exploited.
3. Learned counsel for the applicant would submit that the prosecutrix is the consenting party to the entire incident and she is a lady. He would further submit that considering the delay in lodging the FIR, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statement of the prosecutrix, wherein she has stated that on the pretext of marriage, she was subjected to sexual exploitation and further miscarriage was done against her will and the applicant refused to marry her. Consequently, taking into fact and the statement, I am not inclined to allow this application. .
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge