

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7759 of 2015

1. Kuldeep Singh, S/o. Harnam Singh, aged about 27 years, R/o. Village – Kodabhaat, P.S. - Pamgarh, District – Janjgir-Champa, Civil and Revenue District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Pamgarh, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant	: Mr. Rajesh Roshan Singh, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/01/2016

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.368/2015, registered at Police Station – Pamgarh, District – Janjgir-Champa (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant on the pretext of marriage from the year 2007 to 2013 sexually exploited and committed rape on the prosecutrix and subsequently when the applicant refused to marry with the prosecutrix, the matter was reported to the police.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the prosecutrix is aged about 27 years and in the medical report it is stated that she is habitual for the sexual intercourse, therefore, it can not be stated that forceful rape has been committed. He would further submit

that the charge-sheet in this case has been filed and the applicant is in jail since 05.12.2015, therefore, the counsel prays that 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. Perused the statement of the prosecutrix, wherein she has stated that on the pretext of marriage, she was subjected to forcefully rape and thereafter, she became pregnant, however, it was aborted and subsequently sexual exploitation continued and the applicant refused to marry with the prosecutrix. Perusal of the statement under Section 161 and 164 of Cr.P.C., wherein it is categorically stated that the applicant though promise to marry with the prosecutrix, it prima-facie shows that there was no intention to marry with the prosecutrix, therefore, this Court is not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge