

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 5024 of 2017

Deepak Mallah S/o Raju Mallah, aged about 26 years, R/o Shankar Ward, Mungeli, Tahsil & District Mungeli (C.G.).

--- Applicant

Versus

State Of Chhattisgarh Through S.H.O. City Kotwali, Mungeli, District Mungeli (C.G.).

---Non-applicant

For Applicant	:	Shri Kamal Kishor Patel, Advocate.
For Complainant	:	Shri Anish Tiwari, Advocate.
For Respondent/State	:	Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/11/2017

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.189/2017 registered at Police Station City Kotwali, Mungeli, District Mungeli (C.G.) for the offence punishable under Section 376 of I.P.C.
2. Present applicant is in jail since 20/04/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant on the pretext of marriage is said to have maintained the physical relationship with the prosecutrix for a considerable period of time and in the course it is also said that the present applicant had sexual intercourse with her on various occasions by giving each time false assurance of marriage.
4. Subsequently, the present applicant is said to have ditched the prosecutrix which forced her to file an F.I.R. against the present applicant.
5. The counsel for the applicant submits that, there is a delay in lodging of the F.I.R. and the prosecutrix is a major girl and therefore the facts

would by itself reveals that, there was a consensual relationship between the two and prayed for releasing the applicant on bail.

6. The State counsel however opposing the appeal submits that, it is a case where the present applicant knowingly that he does not want to marry with the girl and by giving false assurance of marriage, has maintained physical relationship with the prosecutrix for a long time and untimately refused to marry her.

7. Considering the facts and circumstances of the case particularly the fact that the allegation against the present applicant is that of having the sexual intercourse with the prosecutrix on the false pretext of marriage, this court is not inclined to grant bail to the present applicant at this juncture.

8. The bail application thus stands rejected.

Sumit

**Sd/-
(P. Sam Koshy)
Judge**