

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 1936 OF 2018

Belku Ram Mourya S/o Jhitru Ram Mourya, 24 years, R/o Village Lendra
PS Darbha, District Bastar (CG).

... Applicant

Versus

State of Chhattisgarh, through PS Darbha, District Bastar (CG).

... Respondent

For Applicant	:	Shri Keshav Dewangan, Advocate.
For Respondent-State	:	Shri Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/05/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 10.06.2017 in connection with Crime No.64 of 2017 registered at Police Station Darbha, Distt. Bastar, for the offence punishable under Sections 366 and 376 IPC.
2. The allegation against the applicant is that, the applicant on the pretext of marriage is said to have abducted the prosecutrix and had physical relationship with her for a considerable period and in the course she got conceived and also gave birth of child from the relationship which the prosecutrix had with the applicant. Thereafter, the applicant is said to have refused to marry the prosecutrix which ultimately led to filing of complaint.
3. Learned Counsel for the applicant submits that the statement of prosecutrix under Section 164 CrPC itself would reveal that the prosecutrix had voluntarily gone with the applicant and had physical relationship with him and there was no coercion or pressure applied by the applicant at any point of time. The prosecutrix was a major

lady and she has not raised any objection in having physical relationship with the applicant, and therefore he may be released on bail.

4. The State counsel opposing the application submits that it is a case where the applicant on the pretext of marriage is said to have exploited the prosecutrix for a very long time and had physical relationship with her. As a result of said relationship, the prosecutrix got conceived and also delivered a child, yet the applicant refused to marry the prosecutrix and fled away from the village. Thus, prayed for rejection of the bail application.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case and the conduct of the applicant, this Court is of the opinion that the present is not a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the bail application stands rejected.

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