

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5674 of 2018**

Mangal Ram S/o Shri Tarash Agariya Aged About 23 Years R/o-
Ward No. 12 Khikhirpara, Kusmi, P.S.- Kusmi, District-
Balrampur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station Incharge P.S.
Kusmi, District- Balrampur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Bhupendra Singh, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.23/2018 registered at Police Station Kusmi, District Balrampur (C.G.) for the offence punishable under Sections 376(2) (N) 506 of IPC and 3(2-5) of SC, ST (Atrocities) Act.
3. Case of the prosecution, in brief is that the prosecutrix is the member of Scheduled Tribe. Applicant is neither member of the Scheduled Caste nor Scheduled Tribe. She is near about 22 years old. On 30/09/2017 in village Kusmi the applicant committed sexual intercourse with the prosecutrix on pretext of the marriage. Under the pressure of the applicant, she performed notary marriage with the applicant. Applicant was already married.
4. Counsel for the applicant argued that the parents of the prosecutrix had not lodged any missing report. After taking back the prosecutrix, by her

parents she had lodged the report. Counsel for the applicant further argued that the applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances of the case that applicant was already married, he had allegedly committed sexual intercourse with the prosecutrix on pretext of marriage, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
7. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde