

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6057 of 2018**

- Salil Kumar Sahu S/o Shri Alakhram Sahu Aged About 31 Years R/o- Village Kilepar, Police Station Ranchirai, P.O. Kasounda, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station Supela, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

**---- Non-applicant**


---

For Applicants : Shri T.K. Jha, Advocate.

For Non-applicant : Shri Neeraj Sharma, Dy. Govt. Advocate

---

**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****30.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 693/2018 registered at Police Station – Supela, District- Durg (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the prosecutrix is near about 30 year old and is resident of village Junwani, Smriti Nagar, Bhilai. She was in contact with the applicant through mobile. On 22.12.2017, he committed sexual intercourse with the prosecutrix on pretext of marriage. The physical relationship was continued. Applicant had told her that he is a bachelor. Subsequently, she knew that he was already

married.

4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, 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, looking to the fact that Looking to the fact that applicant had committed sexual intercourse with the prosecutrix on the pretext of marriage though he was already married, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
7. Consequently, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)  
**JUDGE**