

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8098 of 2018

- Kritlal Dhiwar S/o Krishna Dhiwar Aged About 36 Years R/o Village-Sivni Arang, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-Mana, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Dhirendra Kumar Shukla, Advocate
For State/respondent	: Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/11/2018

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application was dismissed as withdrawn.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.09/2018 registered at Police-Station-Mana, District, Raipur(C.G.) for the offence punishable under Sections 376, 420 & 419 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicant that the

applicant has been falsely implicated in this case. Applicant is in jail since 29.2.2018. No case is made out against him. The prosecutrix was a consenting party and this applicant and the prosecutrix had live together for some time as husband and wife. The case against this applicant is still pending before the Court below. Hence, it is prayed that he may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that it is a clear case in which the applicant had defrauded the prosecutrix to obtain her consent by performing a fake marriage with her in fake name, hence, the application be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. It is alleged that this applicant presented and introduced himself as Sanjay Verma to the prosecutrix stating, that he is a constable in CRPF and performed marriage with her in Arya Samaj. Subsequently while living with applicant, the prosecutrix came to know that the real name of applicant is Kritlal Dhiwar and he is already married having two kids and, thus, finding herself cheated thereafter she has lodged the FIR.
7. After considering the material present in the case, I am of the view that this is not a fit case where applicant should be released on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge