

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8529 of 2018**

Om Prakash Kurrey S/o Late Sadhelal Kurrey Aged About 24
Years R/o- Village- Tilai, Tehsil- Berla, Raipur, District- Raipur, CG

---- Applicant**Versus**

State Of Chhattisgarh Through- S.H.O. Police Station- Urla,
Raipur, District- Raipur, CG

---- Respondent

For applicant	Mr. Pushkar Sinha, Adv.
For Respondent/State	Mr. S.K. Mishra, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29-11-2018**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His first bail application was rejected by this Court vide order dated 10-10-2018 passed in MCRC No. 6413/2018.
2. The applicant has been arrested in connection with Crime No. 308/2018 registered in police station Urla, Raipur (CG) for offence punishable under Section 366, 376, 493 of the IPC.
3. Prosecution story in brief is that prosecutrix is aged about 19 years. Since back one year, the applicant committed repeated sexual intercourse with her on the pretext of marriage. In 8th month of the year 2017, he took away her, prosecutrix became pregnant, they performed marriage. Thereafter the applicant refused to keep her with him. The applicant was already married.
4. Counsel for the applicant submitted that charge sheet has already been filed. The applicant is in jail since last 4 months. He drew my attention on Annexure A-2 which is true copy of the marriage certificate. As per Annexure A-2, applicant and prosecutrix had performed marriage on 21-8-2017. He also drew my attention on the statement of Sadhbai recorded under

Section 161 of the Cr.P.C. He submits that the applicant is innocent and falsely implicated hence he may be released on bail.

5. As per statement of the prosecutrix recorded under Section 161 of the Cr.P.C., the applicant had committed sexual intercourse with her concealing his marriage.
6. Looking to the above facts and circumstances of the case, the applicant does not get any help from Annexure A-2 and from the statement of Sadhbai. There is no change in the circumstances which may entitle the applicant for grant of benefit of Section 439 of the Cr.P.C.
7. The application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge