

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1304 of 2019**

Rajaram S/o Ramprasad Dhobi Aged About 30 Years R/o Village Kotya  
Thegapara, Police Station Pratappur, Tahsil Pratappur, District  
Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station  
Pratappur, District Surajpur, Chhattisgarh., District : Surajpur,  
Chhattisgarh

---- Respondent

|                   |   |                               |
|-------------------|---|-------------------------------|
| For the Applicant | : | Ms. Shivali Dubey, Advocate   |
| For the State     | : | Shri Vikram Dixit, Govt. Adv. |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****08/03/2019**

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.74/2018 registered at Police Station Pratappur, District Surajpur (C.G.) for the offence punishable under Section 376 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is about 23 years old. She is resident of Shanti Nagar, Pratappur. On 22/03/2016 onwards applicant committed sexual intercourse with her on pretext of marriage. In March 2017 she went to house of applicant she came to know that he is already married.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail. She further submits that prosecutrix is consenting party.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Looking to the facts and circumstances of the case, looking to this fact that applicant who was already married committed sexual intercourse with prosecutrix on pretext of marriage, this Court is not inclined to give the benefit under Section 439 of CrPC to the applicant. Accordingly, bail application is rejected.

**Sd/-**  
**(Sharad Kumar Gupta)**  
Judge