

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1579 of 2019**

Om Prakash Kurrey S/o Late Sadhelal Kurrey Aged About 24 Years R/o
Village Tilai, Tahsil Berla, Raipur, District Raipur, Chhattisgarh,
District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Urla, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shivendu Pandya, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15/03/2019**

1. This is the third bail application under Section 439 of the CrPC.
2. Earlier first bail application was rejected by this Court on 10/10/2018 in MCRC No. 6413/2018 considering *prima facie* case against him. The second bail application was also rejected by this Court on 29/11/2018 in MCRC No. 8529/2018.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.308/2018 registered at Police Station Urla, Raipur, District Raipur (C.G.) for the offence punishable under Sections 366, 376, 493 of IPC.
4. Case of the prosecution, 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.
5. Counsel for the applicant submitted that now the prosecutrix has been examined by the trial Court, she is living with applicant, thus he may be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
7. As per the certified copy of the statement of the prosecutrix recorded by the trial court on 15/02/2019 she turned hostile but she had stated against applicant in para No. 3. At this stage, this Court cannot scrutinized the evidence.
8. There is no change of circumstances of the case on the strength of which the applicant is entitled to get benefit of Section 439 CrPC, consequently, third bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge