

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3851 of 2019**

- Dwarika Sharma S/o Shri Sadabrij Sharma, Aged About 49 Years R/o Village Sirki, Katghora Road, Dipka, Police Station Dipka, District- Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station AJK, Korba, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Sinha & Dhiraj Kumar Wankhede Advocates.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**20/06/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 13/2019, registered at Police Station – AJK, Korba, District – Korba, (C.G.) for the offence punishable under Sections 294, 506, 376 of the Indian Penal Code and Section 3(2)(5) of SC/ST Act.
2. In this case, age of the prosecutrix is about 39 years. Earlier she was married to one Bhagat Ram. From her wedlock, she has two children namely Nagendra Pankaj and Nandini Pankaj who at that time were aged about 20 & 19 respectively. On 17.05.2019, prosecutrix lodged a written complaint against the present Applicant alleging therein that in the year 2015, present Applicant forcibly took her and gave her some drugs mixed in cold drinks and committed sexual intercourse with her in the night. When the Complainant/prosecutrix became conscious, she told that she will complain against him before the police, on this, Applicant made false promise to marry with her. Thereafter, he made physical relationship with her several times at various hotels,

restaurants of Goa, Agra, Bilaspur and other places. It is further alleged that Applicant had kept her in Ajanta Green House Bunglow No. 01 for about six months as his wife. On 31.12.2018, Applicant abused prosecutrix about her caste and threatened her thereafter, threw her out of his house. On the basis of the said allegations, offence has been registered against the Applicant and he has been taken into custody on 31.05.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that from the entire material collected by the prosecution, it is clear that prosecutrix herself is a consenting party. He also submits that before lodging this written complaint, on 29.03.2019 Complainant/prosecutrix made a written report in Police Station, Pali, wherein it is mentioned that prosecutrix met the Applicant in the year 2013 and they both fell in love and due to that physical relationship was developed between them. He also states that on 12.04.2019, prosecutrix had filed an application under Section 125 of Cr.P.C. for maintenance against the Applicant in the Family Court, Katghora, (C.G.). On 29.04.2019 also, one separate application under Section 12 of the Domestic Violence Act has also been filed against the Applicant by the prosecutrix. In the above two applications filed by the prosecutrix, she herself has claimed that she is the wife of the Applicant. It is further submitted that prosecutrix had made allegations against the Applicant. Applicant is in custody since 31.05.2019 and trial is likely to take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the arguments advanced by the Counsel for the Applicant and the fact that Applicant

is in custody since 31.05.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge