

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4447 of 2019**

- Bhagirathi Puri Goswami S/o Ghanshyam Puri Aged About 24 Years
R/o Village - Kuagondi, Telipara, Police Station Doundi, District Balod
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Orchha, District Narayanpur Chhattisgarh

---- Non Applicant

For the Applicant : Mr. B. P. Singh, Advocate

For Non Applicant : Mr. Vaibhav K. Agrawal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****23.09.2019**

1. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.16/2018 registered at Police Station-Orchha, District-Narayanpur (C.G.) for the offence punishable under Sections 493, 376, 342, 506 of Indian Penal Code.
3. Case of the prosecution in brief is that prosecutrix is about 22 years old. She is resident of village Kandadi. She and applicant were known to each other. On 09.10.2018 applicant took her by enticing on pretext of the marriage and committed repeatedly sexual intercourse with her, threatened to kill her. Later on she came to know that applicant is already married.
4. Counsel for the applicant submitted that prosecutrix and applicant were familiar to each other. Prosecutrix is more than 22 years of age.

Applicant has been falsely implicated in the present case. Prosecutrix is consenting party. Thus, applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that applicant who was already married, committed repeatedly sexual intercourse with prosecutrix concealing this fact, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

parul