

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5004 of 2019**

Neelkanth Dhruv S/o Gokulram Dhruv (as per charge sheet) Aged About 37 Years R/o Village Mourikhurd, Police Station Kurud, District Dhamtari Chhattisgarh, Presently Residing At Mathuranagar, Magarlod, Police Station And Tahsil Magarlod, District Dhamtari Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Magarlod, District Dhamtari Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Anil Gulati, Advocate.
For the Respondent/State	:	Shri Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.08.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.128 of 2019, registered at Police Station – Magarlod, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 376 and 506 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 6.5.2019 and has been falsely implicated in this case. The prosecutrix in this case is aged about 22 years. It is further submitted that repeated physical relation between the applicant and the prosecutrix itself shows that there was some kind of relationship between them and the prosecutrix was a

consenting party. After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that all the time the prosecutrix had to submit to the applicant under threat. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, about three years prior to lodging of FIR, on finding the prosecutrix alone, the applicant forcefully had physical relation with her by putting her under threat. It is also stated that on 3 to 4 occasions, the applicant again by putting the prosecutrix under threat had physical relation because of which, the prosecutrix became pregnant, however, her pregnancy got aborted. Thereafter, she has lodged the FIR against the applicant.

6. On perusal of the statement of the prosecutrix under Section 161 of the Cr.P.C., it is very clear that on every occasion she had to submit to the applicant under threat, therefore, I do not feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge