

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3949 of 2020

1. Baldev Dhivar S/o Lt. Shri Shakhau Dhivar Aged About 40 Years R/o Village- Lalpur, P.S.- Tikrapara, District- Raipur, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through P.S. Tikrapara, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	Mr. Kshitij Sharma, Advocate
For Respondent /State	Mr. K.K. Singh, Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

4/9/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.200/2020, registered at Police Station Tikrapara, District Raipur (CG), for the offence punishable under Sections 376, 323 & 506 of the Indian Penal Code.
3. The prosecutrix, aged about 24 years, was working as Ward Girl in the Ram Krishna Care Hospital where the applicant was also working at the relevant time. For about 1½ years prior to 10-12-2019 they had acquaintance during their job. From 10-12-2019 to 8-6-2020 the applicant and the

prosecutrix started living together and during this time the applicant performed sexual intercourse on promise to marry her. However, the prosecutrix became aware that the applicant is already married, therefore, when she insisted for marriage the applicant denied to marry her by saying that since she belongs to Scheduled Caste community their marriage is not possible.

4. Learned counsel for the State, *per contra*, would oppose the bail application.
5. The written objection filed by the prosecutrix is also considered. Prosecutrix has stated that in the event of applicant's release on bail he may assault her or her family members.
6. Considering the entire facts situation of the case; particularly considering the age of the prosecutrix; and further considering the fact of live-in relationship, I am of the opinion that present is a fit case to release the applicant on regular bail with the following conditions :-
 - he shall not extend threat or coerce the prosecutrix or her family members to affect the trial;
 - registration of any criminal case against him would entail automatic withdrawal/cancellation of this bail order and the concerned Police shall be entitled to arrest him immediately on registration of fresh criminal case against him after informing the trial Magistrate;

- the applicant shall execute a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court; and
- he shall appear before the trial Court on each and every date given by the said Court.

7. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri