

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5665 of 2020**

- Neeraj Kumar Sahu S/o Nilkumar Sahu, Aged About 25 Years R/o Village Karga, Outpost Birejhar, Police Station Kurud, District Dhamtari Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer, Outpost Birejhar, Police Of Police Station Kurud, District - Dhamtari Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For State	:	Shri Ravish Verma, Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/10/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.381/2019 registered at Outpost Birejhar, P.S. - Kurud, District – Dhamtari (CG) for alleged commission of offences under Section 498-A, 377 r/w 34 of IPC and Section 3, 4 of Dowry Prohibition Act.
2. Prosecution case is that soon after marriage, the applicant started harassing his wife and subjected her to cruelty in many ways and specific allegations have been made regarding unnatural act on the part of the applicant against his wife.
3. Learned counsel for the applicant submits that the allegation against the applicant are false and exaggerated. He submits that there may be some dispute between husband and wife which ultimately became strained but the allegation of commission of unnatural act is highly improbable and calculated falsehood. The allegations are not specific and the FIR has been lodged as late as on 29/07/2020. It is submitted that the applicant is in jail since last three months, investigation is complete, charge sheet has also been filed, therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that apart from the allegation of commission of various provisions of IPC, there is specific allegation of commission of unnatural act by the applicant with his wife during the period she was undergoing pregnancy and unable to have sexual intercourse.

6. Taking into consideration the submission of learned counsel for the parties, particularly considering the offence under Section 377 IPC, I am not inclined to grant bail to the applicant. The application is accordingly rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge