

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6429 of 2020**

- Rupesh Kumar Puri S/o Sondhar Puri Aged About 24 Years Residing At Village Mongarapal (Wrongly Mentioned As Mongarapara) Police Station Bastar District Bastar Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh, Through - The Police Station Bastar, , District : Bastar(Jagdalpur), Chhattisgarh **---- Respondent**

For Applicant	:	Mr. Pravin Kumar Tulsyan Advocate.
For State	:	Mr. Rakesh Sahu, Dy. Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****27-11-2020**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 27-8-2020 in connection with Crime No. 125 of 2020 registered in Police Station Bastar, District Bastar (CG) for the offence punishable under Section 376 of IPC.
2. The allegation against the applicant is that the present applicant had developed physical relation with prosecutrix on the pretext of marriage and later on he denied to marry her and thereby the applicant has committed the aforesaid offence.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He would further submit that as per prosecution case prosecutrix is major girl

and she is a consenting party as per judgment dated 14-8-2014 passed by the Special Judge, Bastar in Special Sessions Trial No. 30 of 2014. Both applicant and prosecutrix were in love with each other since 2013. He would further submit that the charge-sheet has been filed, the applicant is in jail since 27-8-2020 and conclusion of the trial is likely to take some time, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State though opposes the bail application, he submits that it is true that in the year 2013 prosecutrix lodged the FIR against the present applicant in which present applicant was acquitted by the Special Judge in Special Sessions Trial No. 30 of 2014 and there is no appeal filed against the said order.
5. I have heard learned counsel for the parties and perused the record.
6. Perusal of the record would show that the earlier prosecutrix has lodged FIR in 2013 against the present applicant for commission of offence under Section 354, 354-A of IPC and under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and on the basis of that, the trial was completed on 14-8-2014 by the Special Judge, Baster in Special Sessions Trial No. 30 of 2014 and acquitted the present applicant from the said charges looking to the love affair between the applicant and the prosecutrix and when the brother of the prosecutrix had seen both the applicant and

prosecutrix, prosecutrix lodged the aforementioned FIR against the present applicant. Now prosecutrix herself left her parental house due to her marriage fixed with another person and she lived with present applicant in his house from 27-5-2020 to 7-8-2020. Thereafter, the prosecutrix lodged the instant FIR against the present applicant. When the prosecutrix lodged the FIR against the applicant, she was a major girl.

7. Considering the facts and circumstances of the case, further considering the fact that at the time of incident, prosecutrix was a major girl and further considering the finding of the Special Judge and further considering the fact that charge sheet has already been filed and looking to the detention period of the applicant and the fact that conclusion of the trial may take some time, without expressing any opinion on merits of the case, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.25,000/- with two equivalent sureties for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.

Sd/-

(Gautam Chourdiya)
Judge

Raju