

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6964 of 2020**

- Shaahnavaj Aalam @ Shaahnavaj Aalam son of Siraj Minya, aged about 25 years, Residence of Mahuatad, Post Markacho, District-Kodrama (Jharkhand), present address Kodoura, Police chowki Davra, Thana Pasta, District Balrampur Ramanujanj C.G.

-----Applicant**Versus**

- State of Chhattisgarh Through Police chowki Davra, Police Station-Pasta, District Balrampur, Ramanujanj, Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Akath Kumar Yadav, Advocate
For Non-applicant	:	Mr. Siddharth Dubey, Dy.Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**ORDER****14/12/2020**

1. Applicant has preferred this application under Section 439 Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.55/2020 registered at Police Station Pasta, District Balrampur Ramanujanj (C.G.) for the offence punishable under Sections 506, 376 of IPC.
2. Case of the prosecution is that prior to the date of her marriage, prosecutrix was having physical relationship with the present applicant which has been stated to be on pretext of marriage. Marriage of the prosecutrix took place in the year 2018 with one

Mustakim *alias* Chotu resident of Ambikapur. Even after her marriage, applicant used to call her and make physical relationship with her frequently and also made commitment to her that he would perform marriage with her. When the applicant refused to marry her, written complaint was lodged by prosecutrix, based upon which offence was registered against present applicant.

3. Mr. Akath Kumar Yadav, learned counsel for the applicant submits that physical relationship of the prosecutrix with the applicant was with the consent of the prosecutrix, she was a major married lady, applicant has not committed any offence as alleged against him.
4. Opposing the submission made by learned counsel for the applicant Mr. Siddharth Dubey, learned Deputy Government Advocate submits that as per the written complaint, physical relation of the applicant with the prosecutrix was since the time when the prosecutrix was minor. He further submits that the consent, even if given by the prosecutrix, was only on false assurance given by the present applicant of marrying her.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the overall facts and circumstances of the case, particularly, taking into consideration the entirety of the written complaint filed by the present applicant before the concerned police station, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail, upon furnishing a bail bond in

the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge