

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7273 of 2020**

- Vijay Paal, aged about 21 years, S/o Kalyan Singh, Caste Gond, R/o Village Karichhaper, P.S. Bongo, Dist. Korba C.G.

-----Applicant**Versus**

- State of Chhattisgarh through-Police Station Bango, District Korba, Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. B.L. Dembra, Advocate
For Non-applicant	:	Mr. Vikram Sharma, Dy.Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**ORDER****17/12/2020**

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No.50/2020 registered at Police Station Bango, District Korba (C.G.) for the offence punishable under Section 376 of IPC.
2. Case of the prosecution is that on 05.06.2020, prosecutrix lodged a complaint mentioning therein that she was having love affair with the present applicant and on the pretext of marriage, present applicant has made physical relationship with her, firstly on 10.05.2019, thereafter, twice more, due to which she became pregnant. Parents of prosecutrix went the house of applicant requesting him to marry her daughter but present applicant refused the same. On the basis of

said intimation, instant crime was registered against the present applicant.

3. Mr. B.L. Dembra, learned counsel for the applicant submits that the applicant has been falsely implicated in the crime. Applicant has not committed any offence of the nature as alleged against him. He further submits that as per the material available in the case diary prosecutrix was a major girl even on the date of incident and the F.I.R. has been lodged after delay of about 01 year.
4. Opposing the submission made by learned counsel for the applicant, Mr. Ashish Tiwari, learned Government Advocate submits that the prosecutrix, in her oral complaint, has specifically alleged with regard to making forceful intercourse with her, hence, there is ample material against the present applicant to charge him for offences under Section 376 of IPC. During the course of argument, learned counsel for the State brought to the notice of this Court that the prosecutrix died on 19.08.2020 due to her illness.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the entirety of the facts and circumstances of the case and nature of allegation levelled against present applicant, without commenting on merits of the case, I am inclined to enlarge the applicant on Bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall 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