

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7209 of 2020

- Rupesh Verma, son of Nemuram Verma, aged about 22 yers, resident of Ward No.1, Pipariya, Tahsil & Police Station – Khairagarh, District – Rajnandgaon (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh Through Station House Officer, Police Station – Khairagarh, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	: Shri Anuroop Panda, Advocate
For Respondent/State	: Shri Vikram Sharma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

16.12.2020

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.347 of 2020 registered at Police Station Khairagarh, District-Rajnandgaon CG for the offence punishable under Section 376 of the IPC.
2. Case of the prosecution in brief is that prosecutrix lodged a written complaint alleging that she is having love affair with present applicant since 1st January, 2019. The applicant has made physical relationship with her on several occasions on pretext of marriage. She became pregnant. Upon intimating the fact of pregnancy, applicant brought pregnancy test kit and her report came positive. Then the applicant gave some tablet for aborting her pregnancy. She made request to the applicant to marry with her, upon which he denied and thereafter, she lodged a complaint against him, based upon which FIR against the applicant lodged and the applicant was arrested.

3. Shri Anuroop Panda, learned counsel for the applicant submits that the applicant has not committed any offence as alleged against him. Complainant is aged about 20 years major. Allegation of pregnancy and abortion is falsely levelled against the applicant. He pointed out the MLC Report and Query report dated 06.10.2020, which is forming part of the Charge-sheet wherein the doctor in the query report mentioned that there is no sign of aborting the pregnancy. He further submits that applicant is innocent and has not committed any offence.

4. Shri Vikram Sharma, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that the prosecutrix in her written complaint very specifically stated that applicant has made physical relationship with her on several occasions on the promise of marriage and committed offence punishable under Section 376 of the IPC, hence the applicant is not entitled for benefit under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations levelled against the present applicant and considering the material available on record, without commenting on the 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 be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like

sum to the satisfaction of the Court below concerned on the condition that:

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

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma