

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8128 of 2019

- Gourav Singh S/o Late Shri Rameshwar Singh Aged About 36 Years R/o Aayudh Nirman Colony Katni, Police Station Madhav Nagar, Tahsil Madhav Nagar, District - Katni (M. P.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Sakri, Civil And Revenue District - Bilaspur CG

---- Non-applicant

For applicant	Mr. Pushpendra Singh Baghel, Adv.
For Respondent/State	Mr. Praveen Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****2-1-2020**

1. This is 4th bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His 1st bail application MCRC No. 1426/2019 was rejected by this Court vide order dated 13-3-2019 considering prima facie case against the applicant. His 2nd bail application MCRC No3094/2019 was rejected by this Court vide order dated 16-5-2019 considering prima facie case against him. His 3rd bail application MCRC No. 5421/2019 was rejected by this Court vide order dated 5-9-2019 considering prima facie case against him.

2. The applicant has been arrested in connection with Crime No. 38/2018 registered in police station Sakri, Bilaspur (CG) for offence punishable under Section 376, 384, 509(b) of IPC.

3. Prosecution story in brief is that prosecutrix is aged about 40 years and a resident of Uslapur, Bilaspur. She is a member of Scheduled Tribe. Applicant is neither member of Scheduled Caste nor Scheduled Tribe. He introduced himself as Hemant Toppo to the Prosecutrix. He repeatedly committed sexual intercourse with her on pretext of marriage. Later, he disclosed before the prosecutrix that actually his name is Gourav Singh. Later on, she came to know that he

is already married man. Thereafter she refused to continue physical relationship with him. He threatened her that he will viral her intimate photographs and demanded Rs. 10 lacs from her. Thereafter she lodged an FIR against him.

4. Counsel for the applicant submits that the applicant is in jail since one year. Allegedly he never denied to perform marriage with the prosecutrix. He drew my attention in para 3, 4, 8, 11 and 12 of certified copy of the statement of P.W. 6 prosecutrix which is part of bail application. He further drew my attention in para 6 and 7 of certified copy of the statement of P.W. 7 Praveen Kerketta, which is also part of bail application. Thus, he may be released on bail.

5. On the other hand, counsel for the State submits that no criminal antecedent has been shown in the case diary against the applicant.

6. P.W. 6 Prosecutrix has stated in para 1 during examination-in-chief that the applicant had repeatedly committed sexual intercourse with her on pretext of marriage, later on she came to know that he is already married.

7. This is well settled legal position that period of detention of the accused and delay in trial are the material factors for disposal of bail application of accused but it is also equally true that seriousness of the offence and impact of grant of bail to the accused on society are more important and material factors for disposal of the bail application filed by the accused.

8. This is also well settled legal position that while deciding bail application this Court can neither scrutinize nor appreciate the evidence. Only trial Court is competent to do it. This is also well settled legal position that while deciding bail application, this Court cannot touch merit and demerit of the case

9. Looking to the above facts and circumstances of the case, this Court finds that it is not a fit case where the applicant may be released on bail in 4th round of litigation.

10. Consequently, this 4th bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge