

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 281 of 2021

- Gitesh Nagwanshi, S/o Shri Rattiram Nagwanshi, Aged About 26 Years, By Caste Gond, R/o Village Marwadi, Thana and Tahsil Narharpur, District- North Baster Kanker, District : Kanker, Chhattisgarh. **---- Applicant**

Versus

- The State of Chhattisgarh, Through- The Station House Officer, Police Station Narharpur, District- North Baster Kanker, District : Kanker, Chhattisgarh. **---- Non-Applicant**

For Applicant	:	Shri Sunil Sahu, Advocate
For Non-Applicant/State	:	Shri Shrikant Kaushik, P.L.
For Complainant	:	Shri Samir Singh, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

31.03.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 29.12.2020 in connection with Crime No. 191/2020, at Police Station- Narharpur, District- North Bastar Kanker (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the present applicant, who is army personnel, made physical relation with the prosecutrix on the pretext of marriage from 2014 to 2019, during this period, the prosecutrix got pregnant and the applicant thereafter refused to marry her. The prosecutrix lodged written report to the Narharpur Police Station. In the Police Station both the parties amicably compromised the matter, applicant requested four months time for marrying her. However, after passing of four months he did not marry the prosecutrix and on 26.12.2020 in a village meeting the applicant refused to marry

the prosecutrix.

3. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated, he submits that prosecutrix and the applicant are major and both the parties are ready to marry, they belong to the same caste. The present applicant is bachelor. Learned counsel for the applicant further submits that there is no medical evidence regarding pregnancy of the prosecutrix, the applicant is in jail since 29.12.2020, he has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. The prosecutrix is present in person alongwith her father and her counsel, she stated that she was having love affair with the present applicant from 2014 to 2019, now she is ready to marry with the applicant and she has no objection to grant of bail to the present applicant.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, the fact that the prosecutrix is major lady, the applicant and the prosecutrix are in love relation from 2014- 2019, there is no medical evidence regarding pregnancy of the prosecutrix. The prosecutrix and the applicant are ready to marry with each-other, the applicant is bachelor, the prosecutrix has no objection to grant of bail to the applicant, detention period of the applicant, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.

25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-

- (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
- (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (d) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim