

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 554 of 2021

Dhirendra Sahu S/o Santram, Aged About 25 Years, R/o -Village Guri,
 Police Station -Sipat, District -Bilapur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through The Police Station -Sipat, District -Bilapur,
 Chhattisgarh.

--- Respondent

For Applicant	: Mr. Rahil Arun Kochar, Advocate.
For Respondent/State	: Mr. Chandresh Shrivastava, Dy. AG.
For Objector	: Ms. Laxmeen Kashyap, Advocate.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

02/03/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.336/2020, registered at Police Station -Sipat, Distt -Bilaspur, (C.G), for the offence under Sections 376 & 506 of Indian Penal Code.
2. Case of the prosecution is that applicant is the resident of same village where prosecutrix was residing prior to her marriage. Prosecutrix used to visit daily needs shop of applicant and during that period applicant had taken her mobile number and started making frequent calls. In the year 2018, one day when prosecutrix was alone in her house, applicant came there, forcefully committed intercourse with her and also threatened her not to disclose anyone and thereafter whenever applicant found prosecutrix alone in her house, he committed intercourse with her. In the year 2019, prosecutrix got married and had gone to her matrimonial house where also applicant frequently visited and committed intercourse with her on number of occasions. On 14.06.2019, the applicant forcibly

brought the prosecutrix to Tifra in a Bolero Jeep, confined her in a house and there he made physical relations with her. Thereafter, she was taken to Bhusawal (Maharashtra) from Bilaspur, where also applicant made physical relation with her. Upon returning to Bilaspur, applicant left her in Bilaspur only. When the act of applicant and the prosecutrix came to the knowledge of in-laws of prosecutrix, they left the prosecutrix to her parental house.

3. Learned counsel for the applicant submits that applicant has not committed any offence as alleged against him. As per the contents of FIR and allegations levelled against applicant, it is apparent that prosecutrix/complainant was earlier having love affairs with applicant, she visited several places along-with him even after her marriage. In the year 2018, prosecutrix was above 18 years of age. FIR has been lodged against applicant when the fact of her relationship with applicant came to the knowledge of her-in-laws. Applicant is in jail since 04.01.2021, hence, he may be released on bail.
4. Learned State Counsel opposes the submissions of learned counsel for the applicant and submits that prosecutrix has levelled specific allegations against applicant that since the year 2018, applicant is establishing physical relation with her. Even after her marriage, applicant has been coming to her matrimonial house and making physical relations. The learned State Counsel further submits that applicant took prosecutrix alongwith him to Bhusawal (Maharashtra), where also he made physical relation with her. He is not entitled for grant of bail.
5. Learned counsel for the Objector opposing the submissions of learned counsel for applicant made similar submission as made by the learned State Counsel.

6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegations and the fact that applicant has made physical relation with prosecutrix for the first time in the year 2018, which was not disclosed by her to anyone, even after marriage, prosecutrix and applicant are in relationship, prosecutrix also visited to Bhusawal, (Maharashtra) along with applicant after her marriage, without commenting anything on merits of the case, I am inclined to allow the application.
8. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he 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

Jamal/-