

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 536 of 2021

1. Ganesh Ram Patel S/o Gyan Singh Patel, Aged About 48 Years.
 2. Manoj Kumar Patel S/o Ganesh Ram Patel, Aged About 30 Years.
- Both are R/o- village -Chisda, Police Station -Pachpedi, District -Bilaspur, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station-Pachpedi, District -Bilaspur, Chhattisgarh.

--- Respondent

For Applicant	: Mr. C. K. Kesharwani, Advocate.
For Respondent/State	: Mr. Sudeep Agrawal, Dy. AG.

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 applicants, who have been arrested in connection with Crime No.176/2020, registered at Police Station -Pachpedi, Distt -Bilaspur, (C.G), for the offence under Sections 376, 294, 323, 506, 313/34 of Indian Penal Code.
2. Case of the prosecution is that prosecutrix is having relationship with Amarnath Patel since the year 2014. On 09.11.2016, Amarnath Patel on his birthday came to the house of prosecutrix on that day no other family members of prosecutrix was present. Amarnath Patel made physical relation with her on pretext of marriage, this continued for 3 years and she became pregnant. When she went to the house of Amarnath Patel, he ran away and his family members, mother, father, brother and sister-in-law assaulted her.
3. Learned counsel for the applicants submits that allegation of developing physical relationship on the pretext of marriage is against Amarnath Patel

only. When prosecutrix tried to forcefully enter into the house of applicants, it was objected by other family members and present applicants then false and frivolous allegations have been levelled against them that they have misbehaved, dragged her out and also put some medicines in Tea to cause mis-carriage, but there is no specific evidence in this regard. Applicants are in jail since 17.12.2020, hence, they may be released on bail.

4. Learned State Counsel opposes the submission of learned counsel for the applicants and submits that prosecutrix is having physical relationship with Amarnath Patel since 09.11.2016 till 17.12.2019, as a result she became pregnant. There are specific allegations against present applicants also. Applicant No.1 has dragged prosecutrix out from their house and also misbehaved with her. Hence, they are not entitled for grant of bail.
5. Heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations, and the fact that allegation with regard to making physical relationship is only against Amarnath Patel since last 3 years on the pretext of marriage. The prosecutrix after conceiving pregnancy has tried to enter into the house of applicants to which they have objected, without commenting anything on merits of the case, I am inclined to allow the application.
7. Accordingly, bail application is allowed. It is directed that applicants shall be released on regular bail, on their furnishing bail bond in sum of Rs.10,000/- with one surety each in the like sum to the satisfaction of the concerned Court on the conditions that-
 - a) They shall appear before the Trial Court regularly on each and every

date, unless exempted from appearance.

b) They shall not, in any manner, tamper with the prosecution witnesses.

c) If Applicants are 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

Jamal/-