

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 501 of 2021**

Vinay Khakha, S/o Kapil Khakha, aged about 25 years, Caste Uraon,
R/o Village Rajoti, Barahilpara, P.S. & Tehsil Sitapur, Distict Surguja
(C.G.)

-----Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Sitapur,
District Surguja (C.G.)

---- Non-applicant

For Applicant	:	Mr.Nishi Kant Sinha, Advocate.
For Non-applicant	:	Mr.Vikram Sharma, Dy.Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**Order on Board.****01/03/2021**

Heard.

1. Applicant has preferred this application under Section 439 Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No. 168/2020 registered at Police Station Sitapur, District Surguja (C.G.) for the offence punishable under Sections 376 (2)(n), 313 & 34 of IPC.
2. Mr. Nishi Kant Sinha, learned counsel for the applicant submits that the applicant and the prosecutrix were living in live-in relationship with the consent of the prosecutrix and the parents of the present applicant. For the first time, prosecutrix came in the company of the

applicant in his house in the month of July, 2018 after living there for some time, both of them went to Mumbai for doing the work, from there, they returned to the house the present applicant and lived there for considerable time. He submits that the allegations levelled against the present applicant are baseless and there is no material available in the case diary with regard to commission of offences alleged against him. He submits that the applicant went back to the house of the prosecutrix to bring her back but she did not return and even the parents of the prosecutrix have not sent back to the prosecutrix in the house of the present applicant and have lodged the false and frivolous complaint against the applicant.

3. On the other hand, Shri Vikram Sharma, learned counsel for the State while opposing the submission made by counsel for the applicant submit that there is ample material available against the present applicant to connect him in the crime in question. He read over the statement of the prosecutrix under Section 161 Cr.P.C. and under Section 164 of the Cr.P.C. to argue that the applicant has kept the prosecutrix without there being any marriage between them and even applicant has got the abortion of the pregnancy of the prosecutrix, therefore, the applicant is not entitled for benefit under Section 439 of the Cr.P.C.
4. I have heard learned counsel for the respective parties.
5. Taking into consideration the nature of allegations and the statement of the prosecutrix recorded by the police under Sections 161 of the Cr.P.C. his pre-trial detention, without further commenting on merits

of the case, I am inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail on his furnishing a bail bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that-

- a) The applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant 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

Dubey/-