

NAFR

**HIGH COURT of CHHATTISGARH, BILASPUR****MCRC No. 575 of 2021**

- Rahul Yadav S/o Late Tiharu Yadav aged about 22 years, R/o Village: Khamtarai, Atal Chowk Police Station: Sarkanda, Tahsil & District Bilaspur Chhattisgarh

**-----Applicant****VERSUS**

- State of Chhattisgarh through: Station House Officer, Police Station: Sarkanda, District Bilaspur, Chhattisgarh

**-----Respondent**


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| For Applicant         | : Mr. Nitesh Shrivastava, Advocate    |
| For Respondent- State | : Mr. Chandresh Shrivastava, Dy. A.G. |

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**Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****03/03/2021**

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No.186/2020 registered at Police Station Sarkanda, District Bilaspur (C.G.) for the offence punishable under Sections 376, 417, 323, 506 of IPC.
2. Case of the prosecution is that, initially present applicant and the prosecutrix entered into friendship and thereafter applicant called the prosecutrix on a particular place for meeting, from where, she was taken to house of friend of applicant where he committed sexual intercourse with her. In the year 2019, prosecutrix got married with one Abhitash of village Pausra Nagoi. She returned back to her parents' house on the count that the person with whom she married was an abnormal person. Thereafter prosecutrix and the present applicant again entered into relationship and made physical relationship several times till 17.02.2020, on which date, prosecutrix went to meet the applicant where she found that the applicant is in company with another woman. Applicant assaulted her and, as per the allegation, given some poisonous substance to the prosecutrix due to

which she became unconscious. Applicant left the prosecutrix on the spot and ran away. Prosecutrix found herself in the hospital at CIMS, where, on diagnosis, it was found that she consumed some unknown poisonous substance. Prosecutrix without intimating to hospital authority absconded herself and thereafter F.I.R. was lodged against the present applicant.

3. Mr. Nitesh Shrivastava, learned counsel for applicant submits that the allegation levelled against the present applicant, as such, is false and frivolous. Prosecutrix is a major lady and was a consenting party having affair with present applicant prior to 2019. No offence as alleged can be made out against the applicant.
4. Mr. Chandresh Shrivastava, learned Deputy Advocate General for the State opposes the submissions made by the learned counsel for applicant and submits that the act of applicant as narrated by the prosecutrix in her statement under Section 164 of CrPC shows that the applicant has committed offences as alleged against him. Further, he admits that after her admission into CIMS hospital, she ran away without intimating any authority of the hospital. As per the hospital records, she absconded herself from hospital.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegations and further the statement of prosecutrix that she was having sexual relationship with the present applicant prior to 2019, after returning from matrimonial house, prosecutrix again made physical relationship and the F.I.R. was lodged on 26.02.2020, without commenting on merits of the case, I am inclined to enlarge the applicant on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail, upon furnishing a bail bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court

on the conditions that-

- a) He 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.
8. Certified copy as per rules.

Sd/-  
**(Parth Prateem Sahu)**  
Judge

Pawan