

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 505 of 2021

- Manesh Kumar Netam, S/o Shri Nathelaram Netam, Aged About 30 Years, By Caste - Gond, R/o Village -Pushwada, Thana & Tahsil - Kanker, District- North Baster Kanker (CG)

---- Applicant (In jail)

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Kanker, District North Baster Kanker (Chhattisgarh)

---- Non-applicant

For Applicant	:	Mr. Sumit Shrivastava, Advocate
For Non-applicant	:	Mr. Sameer Sharma, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

11.06.2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody from 29.12.2020 in connection with Crime No.245/2020 registered at Police Station Kanker, District North Bastar Kanker (CG) for commission of offence punishable under Sections 376 & 506 of the Indian Penal Code.
2. The prosecution story, in brief, is that the complainant/prosecutrix has filed written complaint with the police mentioning therein that she is working in the shop namely 'Raj Gift House, Kanker'. On being asked by Vijay Yadav, who is known to her, she gave her mobile number and said Vijay

Yadav gave her mobile number to present applicant. Thereafter, the complainant and the applicant started talking to each other on mobile phone. On 13.8.2020 the applicant took the prosecutrix along with him on the pretext that he wanted to introduce her with his family members. The applicant took the prosecutrix to house of his brother where nobody was present and there he committed forcible sexual intercourse with the prosecutrix on the pretext/assurance that he will marry her. Thereafter on 19.8.2020 again the applicant came to the prosecutrix, asked her to accompany him and on her refusal, he threatened her of defaming. Under threat the prosecutrix accompanied him. Applicant took her to a rented accommodation situated in Charama and in the night committed sexual intercourse with her several times against her wish. On the basis of written complaint dated 8.9.2020, the aforementioned crime has been registered against the applicant.

3. Mr. Sumit Shrivastava, learned counsel for the applicant submits that the prosecutrix is a major girl, she made physical relations with the applicant voluntarily, with her own will. Applicant has not committed any offence as alleged against him. He is a government servant and working as Constable in the Police Department. He is in jail from 29.12.2020. Hence, the applicant may be enlarged on regular bail.
4. On the other hand, Mr. Sameer Sharma, learned Government Advocate for the State has opposed the bail application and submitted that there are specific serious allegations against

the present applicant that on the false pretext/promise of marriage, he had forcibly established physical relations with the prosecutrix. He also pointed out that in the FIR and statement recorded under Section 164 CrPC, the prosecutrix has categorically stated that on 19.8.2020 the applicant under threat took her to a rented accommodation situated in Charama and forcibly committed sexual intercourse with her. He submits that ample material are available in the case diary against the applicant, hence he is not entitled for grant of regular bail.

5. I have heard learned counsel for the parties.

6. Taking into consideration the nature of allegations levelled against the applicant and the material available in the case diary, I am not inclined to release the applicant on regular bail. Accordingly, the bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-