

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 535 of 2021

Shrikant Bhagat S/o Parsuram Bhagat, Aged About 34 Years, Caste - Uraon, R/o: village - Jokari, Police Station - Kunkuri, Tahsil - Kunkuri, District – Jashpur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - Station House Officer, Police Station - Kunkuri, District – Jashpur, Chhattisgarh.

--- Respondent

For Applicant	: Mr. J. K. Saxena, 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 applicant, who has been arrested in connection with Crime No.103/2020, registered at Police Station -Kunkuri, Distt -Jashpur, (C.G), for the offence under Section 376 (2) (a) of Indian Penal Code.
2. Case of the prosecution is that applicant on the pretext of marriage has made physical relationship with prosecutrix since last 8 years. When applicant refused to marry her, a Panchayat meeting was convened where applicant accepted the guilt and agreed to keep prosecutrix with him as wife, but subsequently turned from his undertaking.
3. Learned counsel for the applicant submits that prosecutrix is a major lady aged about 30 years. As per allegation, she is having love affairs with applicant since the year 2012. As per complaint and allegation levelled against applicant itself, it is apparent that prosecutrix is a consenting party. Applicant is in jail since 20.11.2020, hence, he may be released on bail.

4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that on the pretext of marriage, applicant has made physical relationship with prosecutrix, and when he refused to marry her, a Village Panchayat was convened on 18.10.2020, in which applicant had admitted to keep prosecutrix as his wife and also agreed to give her share in his property. He took prosecutrix from Panchayat to his house, but subsequently, he brought another lady namely Vandana Bhagat to keep her as his wife. This made prosecutrix to call for another Village Panchayat meeting on 09.11.2020, but on said date applicant did not appear before the Panchayat. Submission made by learned counsel for the applicant that prosecutrix is a consenting party will not arrive in this case because the consent was taken on the false pretext of marriage.
5. Heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations and material available in the case diary, I am not inclined to allow the application of bail.
7. Accordingly, bail application is dismissed.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-