

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 748 of 2021**

- Ashish Bunkar S/o Late Ramvilas Aged About 34 Years Occupation Service Health Center, Present R/o Primary Health Center Shankarpur, Raghunathnagar, Permanent R/o Muktipara, Gandhinagar Ambikapur, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh  
---- **Applicant**

**Versus**

- State of Chhattisgarh Through Station House Officer, Raghunathnagar District Balrampur Ramanujganj, Chhattisgarh. ----**Non-applicant**

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For Applicant : Mr. Nishi Kant Sinha, Advocate.

For State : Mrs. Subha Shrivastava, Panel Lawyer

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**Hon'ble Shri Justice Gautam Chourdiya****Order on Board****12-03-2021**

- The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 24-12-2020 in connection with Crime No. 171 of 2020 registered at Police Station Raghunathnagar, District Balrampur, Ramanujganj (CG) for the offence punishable under Sections 366 & 376(2)(n) of IPC.
- Case of the prosecution, in brief, is that the applicant abducted the prosecutrix and on the pretext of marriage he committed sexual intercourse with her for the last three years. When the applicant refused to marry the prosecutrix, she lodged an FIR against him in Police Station. On the basis of the report lodged by

the complainant, offence was registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He also submits that there was love affair between the applicant and the prosecutrix and that she was a consenting party. He also submit that the prosecutrix is major girl aged about 24 years and she was having physical relation with the applicant from May 2017 and the said act continued till lodging of FIR i.e., 24-12-2020, when the applicant was married to another girl. She had lodged the FIR after inordinate delay of three years and no proper explanation has been given by the prosecutrix regarding such delay in lodging the FIR. He further submits that the prosecutrix is major girl and she accompanied the applicant on her own free will. During the said period, prosecutrix has not disclosed the incident to anyone. He would further submit that charge sheet has been filed, applicant is in jail since 24-12-2020 and conclusion of the trial is likely to take some time for its final disposal, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of the case diary reveals that the prosecutrix is a major girl, the applicant and the prosecutrix were having love affair

from 2017 to 2020 and there had been physical relations between them on number of occasions and FIR was lodged on 24-12- 2020 when the applicant was married to another girl.

7. Considering the over all facts and circumstances of the case, the nature and quality of evidence collected by the prosecution, conduct of the prosecutrix who is aged about 24 years and the fact that prosecutrix was having love affair with the applicant from 2017 and they were having physical relation for the last three years, there was inordinate delay in lodging of FIR for which no proper explanation has been given, the detention period of the applicant and the fact that charge sheet has already been filed, conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted bail on the following conditions:
  - i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,

- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this court.

Sd/-

**(Gautam Chourdiya)**  
**Judge**

Raju