

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceeding through Video Conferencing****MCRC No. 2174 of 2021**

Aghan Singh Markam S/o Ankalu Ram Markam, Aged About 33
Years Caste Gond, R/o. Dhourabhatha, Police Station And
Tahsil Narharpur, District North Bastar Kanker Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through - The Station House Officer,
Police Station Narharpur, District North Bastar Kanker
Chhattisgarh.

---- Respondent

For the Applicants : Shri Rajkumar Pali, Advocate

For the State : Shri Adil Minhaj, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****31/05/2021**

1. This is an application filed under Section 439 of the Cr.P.C. by the applicant to release the applicant on regular bail in which he has been arrested on 18/02/2021 in connection with Crime No.21/2021 registered in Police Station Narharpur, District North Bastar, Kanker (C.G.) for the offence punishable under Section 376(2) (N) of Indian Penal Code.
2. Case of the prosecution, in brief is that prosecutrix lodged report that in the month of January 2020 she was residing in her father's house. At that time applicant tried to make forcible illicit relation with her.

Earlier also he made physical relation with her. Again in the month of January 2020 itself in the night at 10 p.m. applicant entered in her house and made forcible illicit relation. The applicant assured that he will keep her with him and will also take responsibility of her children. On this they continued their relation till the March 2020. When she conceived applicant gave her medicine for abortion but she did not consume it and threw it. When she did not consume medicine the applicant consumed poison. On 12/12/2020 she delivered female child. When people of the society asked the applicant he refused to have any relation with the prosecutrix. On the report filed by the complainant an offence in Crime No. 21/2021 under Section 376(2) (N) of Indian Penal Code has been registered against the applicant.

3. Counsel for the applicant submits that the allegation against the applicant is false and fabricated, prosecutrix is married lady having two children and she is a consenting party because as per prosecution they are having relation since 5-6 years, applicant is in jail since 18/02/2021, charge-sheet has been filed, conclusion of the trial is likely to take some time, therefore, present applicant may be enlarged on bail.
4. Learned State counsel opposes the application for grant of bail, however, he further submits that sample has been sent for D.N.A. test.
5. Looking to the facts and circumstances of the case, nature and gravity of offence, detention period of applicant who is 33 years of age, as per submission of the applicant that he will not abscond, charge-sheet has already been filed, without further commenting on merits of the case, I am inclined to release the applicant on bail.

6. Accordingly, bail application filed by the applicant under Section 439 of Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 50,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date as per direction of the Court, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
Vacation Judge

Kamde