

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2297 of 2021**

- Deshpal Sai Paikra, S/o Sri Ramfal, aged about 30 Years, Occupation Constable (Army), R/o Village Karanjtoli, Post Office Banderchunvan Tehsil Kansabel, District Jashpur, Chhattisgarh.

---- Applicant

Versus

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

----Non-applicant

For Applicant	Shri Arun Shukla, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

25/03/2021

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.115/2020 registered at Police Station Bagbahar, District Jashpur, C.G. for the offence punishable under Sections 376 & 313 of Indian Penal Code. The earlier bail application i.e. MCRC No.8840 of 2020 was dismissed by this Court vide order dated 14.01.2020 on merits.
2. Case of the prosecution, in brief, is that on 03.11.2020 a complaint was lodged by the prosecutrix alleging therein the

applicant after getting acquainted with her through Facebook made physical relations with her for near about 4 months continuously. As a result thereof she got pregnant and got her abortion after making her consumed pills. Thereafter, when the present accused refused to marry the prosecutrix the complaint was lodged.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. In fact, the prosecutrix and the applicant were having love affair, the prosecutrix is a major and educated girl of 20 years, there is no evidence regarding abortion of the prosecutrix by the applicant, and further the FIR has been lodged with an inordinate and unexplained delay of eight months. He submits that the prosecutrix has been examined before the trial Court and she has not supported the prosecution case. The applicant is in jail since 13.11.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.

6. Considering the facts and circumstances of the case, the fact that the earlier bail application of the applicant has been dismissed on merits keeping in view all the relevant aspects of the matter, the gravity of the offence where the applicant sexually exploited the prosecutrix on the pretext of marriage and later got her pregnancy aborted by administering certain medicines to her, the deposition of the prosecutrix, the fact that there is no change in the circumstances and that trial is already commenced and is in progress, this Court is not inclined to release the applicant on bail.

7. Accordingly, the bail application is rejected.

Sd/-
Gautam Chourdiya
Judge

Akhilesh