

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2814 of 2021**

- Lalit Kumar Agriya, S/o Santram Agriya, aged about 18 Years, Resident of Bhulsi Bhawna, Chauki Morga, Police Station Bango, District Korba, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer Police Station Bango, District Korba, Chhattisgarh.

----Non-applicant

For Applicant	Mr. Aditya Khare, Advocate.
For State	Ms. Deepti Shukla, Panel Lawyer.
For Objector	Mr. H.A.P.S. Bhatia, Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****25/08/2021**

1. The matter is heard through Video Conferencing.
2. Earlier the applicant had filed MCRC No.9017 of 2020 which was dismissed on merits by this Court vide order dated 29.01.2021.
3. 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.129/2020 registered at Police Station- Bango, District Korba, C.G. for the offence punishable under Section 376 (f)(n) of Indian Penal Code.

4. Allegation against the applicant by the prosecutrix is that on the pretext of marrying her, applicant committed sexual intercourse with her. When she got pregnant, applicant refused to marry her and deserted her. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant.
5. Learned counsel for the applicant submit that applicant is an innocent person and has been falsely implicated in this case. He submits that prosecutrix is a married lady having three children and her husband is insane since 5-6 years. The applicant is relative of the prosecutrix and he helped her in treatment of her son and since then they came in close contact and she was a consenting party. The applicant is in jail since 21.09.2020, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
6. Learned counsel for the State opposes the bail application.
7. Prosecutrix appeared along with her counsel through video conferencing and raised no objection to release of the applicant on bail.
8. Heard learned counsel for the parties.

9. Considering the facts and circumstances of the case, the fact that the earlier bail application of the applicant has already been rejected on merits by this Court, the deposition of the prosecutrix recorded before the trial Court, the material so far collected against the applicant which is a matter of evidence to be appreciated during trial, without commenting anything on merits of the case, this Court is of the opinion that present is not a fit case to release the applicant on bail.

10. Accordingly, the bail application is rejected.

Sd/-
Gautam Chourdiya
Judge

Akhilesh