

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3017 of 2021

- Maneshwar Toppo, S/o Kuwarsai Toppo, Aged About 23 Years, R/o Village Darripara, Kusmi Police Station and Tahsil Kusmi, District- Balrampur Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer Police Station Gandhinagar (Ambikapur Rural) District Ambikapur, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Awadh Tripathi, Shri Soumitra Kesharwani, Advocates

For Non-Applicant/State : Shri Priyanshu Gupta, Panel Lawyer

For Objector : Shri Dev Ashish Biswas, Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

14.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 15.03.2021 in connection with Crime No. 137/2021 registered at Police Station- Gandhinagar (Ambikapur Rural), District- Sarguja (C.G.) for the offence punishable under Sections 376 (2) (n), 313, 34 of IPC.
- 2) Case of the prosecution, in brief is that the applicant on pretext of marriage repeatedly made forcible physical relation with the prosecutrix, as a result of which she got pregnant. Later, she was forcibly got aborted by the applicant by administering her certain medicines. Subsequently, the applicant stopped talking to her, thereafter, the prosecutrix went to the house of the applicant

where the family members of the applicant humiliated the prosecutrix. However, thereafter the prosecutrix was called at Ambikapur Court by the applicant and his family members and signature of the prosecutrix was taken on a paper saying that it is for the purpose of her court marriage with the applicant but they did not take her with them.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant and prosecutrix belong to same caste, they were having love affairs, both were staying in rented room for six months of Krish Vishwakarma, during this period she never disclosed anything to anyone. The prosecutrix lodged report in police station in order to pressurize the applicant for marrying her. It is further submitted that applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 15.03.2021 and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that there are serious allegations levelled against the present applicant regarding making forcible sexual intercourse on the pretext of marriage with the prosecutrix, applicant forcibly aborted the prosecutrix when she got pregnant & demanded money and 10 acres of land from her.
- 5) Learned counsel for the objector vehemently opposes the bail application and raised objection to grant of bail to the applicant.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, the prosecutrix was kept by applicant in a rented room for six months, he made forcible

physical relation with her on pretext of marriage as a result of which she got pregnant and she was forcibly aborted by the applicant, compromise between the applicant and the prosecutrix regarding marriage, 164 CrPC statement of the prosecutrix, the applicant and his family members called the prosecutrix at Ambikapur Court and fraudulently took her signature on paper saying her that it is for the purpose of her court marriage thereafter they left her, demand of money and land for performing marriage, without commenting anything on merits of the case, I am not inclined to grant bail to applicant.

7) Accordingly, the bail application is rejected.

Sd/-

(Gautam Chourdiya)
Judge

Nadim