

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3519 of 2021**

- Krishna Kumar Kashyap, S/o Shri Rainu Ram Kashyap, Aged About 23 Years, R/o Village Tarapur, Thana - Nagarnar, Distt.- Baster (Chhattisgarh)

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Nagarnar, Distt.- Baster, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Sunil Sahu, Advocate
Shri B. L. Sahu, PL

Hon'ble Justice Shri Parth Prateem Sahu**Order On Board****29/11/2021**

1. The applicant has filed this bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.16/2021, registered at Police Station Nagarnar, District Bastar (C.G.) for the offence punishable under Sections 376 & 313 of IPC.
2. Case of the prosecution is that father of the prosecutrix lodged a report on 28.01.2021 making allegation that the applicant has committed forcible sexual intercourse with the prosecutrix since 01.10.2020 to 15.10.2020 and when the prosecutrix made a complaint of bleeding and abdominal pain, she was taken to hospital where doctor informed that the prosecutrix was carrying

pregnancy. Upon diagnosis, it revealed that there was incomplete abortion. Based on the report, aforesaid crime was registered and applicant was arrested on 29.01.2021.

3. Shri Sunil Sahu, learned counsel for the applicant, would submit that the prosecutrix is a major girl, applicant and prosecutrix were having love affair. Physical relation between applicant and prosecutrix was consensual. He would further submit that under the pressure of her parents, prosecutrix has levelled false allegation that applicant has committed forcible sexual intercourse with the prosecutrix. The applicant is in jail since 29.01.2021, therefore, he may be enlarged on bail.
4. Shri B. L. Sahu, learned State counsel, would oppose the submission of learned counsel for the applicant and would submit that in the FIR as well as in the statement recorded under Section 161 of CrPC, there are allegations against the applicant that he has committed forcible sexual intercourse with the prosecutrix and when she became pregnant, applicant himself gave medicines to abort the pregnancy, hence there is prima facie involvement of the applicant in commission of the aforesaid crime.
5. I have heard learned counsel for the parties.
6. Taking into consideration the submission made by learned counsel for the parties, nature of allegation, further considering the fact that on the date of incident, the prosecutrix was above 18 years of age, as also the statement of the prosecutrix recorded under Section 164 of CrPC, period of detention, without commenting anything on the merits of the case, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon his furnishing a personal bail bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Trial Court on the conditions that:-

(a) Applicant shall appear before the Trial Court regularly on each and every date unless exempted from appearance.

(b) The applicant shall not, in any manner, tamper with the prosecution witnesses.

(c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

Parth Prateem Sahu
Judge

Nirala