

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 769 of 2021

Jitendra Kumar Yadav S/o Shri Rajkumar Yadav, Aged About 24 Years,
 R/o village -Patra Pali, P.S -Chakradhar Nagar, Raigarh, Tehsil and
 District -Raigarh Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, P.S -Chakradhar
 Nagar, Raigarh, Tehsil and District -Raigarh, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Surfaraz Khan, Advocate.
For State	:	Mr. B.P. Banjare, Dy. GA.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

09/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.153/2021 registered at Police Station –Chakradhar Nagar, Raigarh, (CG), for the offence punishable under Section 376 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that applicant and complainant/prosecutrix came in contact in the year 2014 at that time, applicant stated that he likes her. After some time both of them were having talking terms. In the year 2017, applicant went to roof of house of prosecutrix and after putting Sindoor on her head made physical relation with her. Thereafter, he continuously made physical relation with her. In the month of March, 2021, applicant made statement before the villagers that he will marry prosecutrix but thereafter, refused to marry her on the ground that she belongs to some other caste. On the basis of complaint, instant crime is registered against applicant.
3. Learned counsel for the applicant submits that applicant and prosecutrix are major and they have made physical relationship with their own free

will, hence, offence under Section 376 of IPC is not made out. As offence under Section 376 of IPC is not made out, applicant may be released on anticipatory bail.

4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicant and submits that when on the false pretext of marriage, applicant has made physical relationship with prosecutrix, she was only 18 years of age, applicant was aware of her caste very well being resident of same village.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation made against applicant in FIR, I do not find it to be a fit case to released applicant on anticipatory bail.
7. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-