

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4858 of 2021

- Lokesh Verma, S/o Natendra Verma, Aged About 29 Years, R/o Village- Nara, P.S.- Mandir Hasoud, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, P.S- Azad Chowk, District- Raipur, Chhattisgarh. **---- Non-Applicant**

For Applicant : Mr. J.K. Gupta, Advocate

For Non-Applicant/State : Mr. Shreshtha Gupta, Panel Lawyer

For Objector : Mr. Lukesh Kumar Mishra, Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

10.08.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail in connection with Crime No.85/2021 registered at Police Station- Azad Chowk, District- Raipur (C.G.) for the offence punishable under Section 376 (2) (n) of IPC.
- 2) Case of the prosecution, in brief, is that on 12.05.2019 the applicant alongwith two other persons came to the house of the prosecutrix for marriage purpose and thereafter, the applicant and the prosecutrix started talking with each other over mobile phones and developed intimacy. In July, 2019 the applicant established physical relation with her on the assurance of

marrying her and thereafter, continued to have physical relations with her till December, 2020. However, in February, 2021 the applicant told her over phone that he could not marry her as he was going to marry some other girl. Hence on report being lodged to the above effect, the aforesaid offence has been registered against the applicant.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, as per Annexure A-2 father of the applicant namely Narendra Verma filed written complaint to Superintendent of Police against the police lady constable No. 702 Amrika Verma and the prosecutrix regarding harassment and threat of roping in rape case on 25.03.2021, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant has been arrested on 24.05.2021 and due to Covid-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State as well as counsel for the objector opposes the bail application and submits that on the pretext of marriage applicant made forcible physical relation with her on number of times.
- 5) Counsel for the objector opposes the bail application.
- 6) Having heard learned counsel for the parties.
- 7) Having regard to the facts and circumstances of the case, nature of allegation made against the present applicant, looking to the entire prosecution case the accused/applicant get acquainted with each-other, marriage proposal was given by the applicant to the prosecutrix and on pretext of marriage from 2019 till lodging of the FIR the applicant made physical relation with the prosecutrix, looking to the statement of the prosecutrix, the applicant made promise to marry her and refused her to marry,

looking to the fact that some amount was taken by the applicant from the prosecutrix number of times as per documents and as per charge-sheet, I am not inclined to grant regular bail to the applicant.

8) Accordingly, the bail application filed by the applicant is rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim