

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4766 of 2021**

Mahaveer Ram Chouhan, S/o Rainu Ram, aged about 35 years, Caste-Chik,
Occupation – Farmer, R/o Village- Dhudhrudand, Tah. & Police Station – Kansabel,
District – Jashpur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station – Kansabel,
District Jashpur (C.G.)

----Non-applicant

For Applicant	:	Mr. Sanjeev Kumar Sahu, Advocate.
For Non-applicant	:	Mr. Sudhir Sahu, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****23-11-2021**

1. The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 58/2021 registered at Police Station Kansabel, District- Jashpur (C.G.) for commission of offence punishable under Sections 366(A) & 376 of IPC.
2. Case of the prosecution, in brief, is that in the month of March, 2021 applicant made false affidavit of his own and the victim/prosecutrix with regard to their marriage and by blackmailing her to show it to the villagers, he took her to the Raigarh, kept her there and on the pretext of marriage, he repeatedly sexually abused her. The applicant also used to assault upon victim/prosecutrix. On missing report lodged by father of victim, present crime was registered against the applicant under Section 366-A of the IPC and after recovery of the victim from the applicant/accused, charge-sheet under Sections 366, 384 & 376 (2)(ढ) of the IPC was filed against the applicant.

3. Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the crime in question as he has not committed the alleged crime. Actually, the victim/prosecutrix is consenting party to the act of the applicant and she herself had gone with the applicant with her own will. He would also submit that the victim/prosecutrix has been examined in the trial Court, in which, she has not supported the case of the prosecution and she has been declared hostile by the prosecution. Treating doctor has also deposed in her statement that there was no injuries found on the body of the victim/prosecutrix. He would also submit that applicant is in jail since 14.05.2021 and conclusion of the trial is likely to take considerable time, therefore, the applicant is entitled to be released on bail.

4. On the other hand, learned counsel for the State while opposing the submissions made by the counsel for the applicant would submit that the applicant not only blackmailed the victim by making forged affidavit but he also allured her on the pretext of marriage, he took her at Raigarh and there he committed repeatedly sexual intercourse with her. He would next submit that the victim/prosecutrix has been declared hostile by the prosecution with regard to some extent, otherwise she has supported the case of the prosecution, therefore, the applicant is not entitled for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary as well as material available on record.

6. Perusal of case diary shows that applicant made false & forged affidavit of his own and the victim/prosecutrix with regard to their marriage and by blackmailing her to show it, he abducted the victim/prosecutrix and on the pretext of marriage, he made physical relations with her many times. In view of foregoing, I am not inclined to release the applicant on bail. Thus, the bail application filed by the applicant is rejected.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

