

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 4993 of 2021**

- Mohan Kashyap S/o Salik Ram Kashyap aged about 20 Years
R/o Khas Para, Sargaon, District Bastar Chhattisgarh.

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station-Bhanpuri, Distt.
Bastar, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Virendra Verma, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****26/10/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 09/2021 registered at Police Station Bhanpuri, District Bastar (C.G.) for the offence punishable under Section 376 of IPC.
2. As per case of prosecution, on 25.06.2020, applicant allured the prosecutrix, took her to his house and started living as husband and wife. During their stay in the house of applicant, applicant has committed sexual intercourse with prosecutrix. After four months, applicant ousted the prosecutrix from his house, thereafter, report was lodged alleging that they stayed together like husband and wife in his house, but thereafter applicant refused to keep the prosecutrix with him. From their relationship, prosecutrix is carrying pregnancy of 6 months on the date of lodging of report.
3. Mr. Vikas A. Shrivastava, learned counsel for the applicant submits that the prosecutrix is a major girl aged about more than 20 years. As per the allegation of prosecutrix herself, she and applicant have stayed as husband and wife for several months and thereafter alleged allegations have been levelled against applicant which is false and frivolous. Applicant has not committed any offence as alleged against him. Applicant is in jail since 09.01.2021, hence, he

may be enlarged on bail.

4. Ms. M. Asha, learned panel lawyer for the State, while opposing the submission made by learned counsel for the applicant, submits, that the serious allegations have been levelled against applicant, when prosecutrix became pregnant, applicant ousted her from his house. In support of her contention, she read-over the statement of prosecutrix recorded under Section 161 and 164 of CrPC.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration facts and circumstances of the case, nature of allegations, age of prosecutrix to be about 20 years on the date of accident, statement of prosecutrix recorded under Section 164 of CrPC, period of pre-trial detention, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the 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