

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4891 of 2021**

Vetty Kamal Kishore, Son of Vetty Hunga, aged about 25 years, R/o. Gorli, Bazar Para, Police Station Gadiras, District Sukma (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through: The Station House Office, Police Station Chindgarh, District Sukma (C.G.)

----Non-applicant

For Applicant	:	Mr. Praveen Dhurandhar, Advocate.
For Non-applicant	:	Ms. Akshra Amit, Panel Lawyer

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****08-11-2021**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 12/2021 registered at Police Station Chindgarh, District Sukma (C.G.) for the offence punishable under Sections 376 & 506 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 20.3.2021, applicant took the victim/prosecutrix to his village under threat to kill her. He kept her for about two weeks and physically abused her on the pretext of marriage and subsequently he denied to marry with her. Hence, she filed written complaint in police Station Chindgarh, District Sukma, on the basis of which, FIR was lodged against the applicant under Sections 376 & 506 of the Indian Penal Code. After usual investigation, charge sheet under aforesaid sections was filed against the applicant before the trial Court.

(3) Counsel for the applicant would submit that FIR has been lodged after an inordinate delay of more than 12 days and the said delay has not been explained as per law. It is a matter of consent. Victim/prosecution and the applicant are major. He would also submit that applicant is ready to marry with the victim/prosecutrix and he has also filed an affidavit to this effect but victim/prosecutrix herself is not ready and willing to marry with him. He would also submit that the applicant is in detention since 17.04.2021; charge-sheet has already been filed and conclusion of the trial will likely to take long time, therefore, the applicant may be released on regular bail.

(4) Per contra, counsel for the State opposes the submission made by counsel for the applicant stating that applicant not only kidnapped the victim/prosecutrix under threat to kill her but he physically abused her on the pretext of marriage and subsequently he denied to marry with her. She would further submit that even in the village panchayat meeting, applicant denied to marry with her. She would next submit that as per statement of victim/prosecutrix, since one person was died in the village, therefore, the said delay has occurred in lodging the FIR, which is bonafide and unintentional. She would also submit that charge-sheet has been filed and trial will commence in future, therefore, the applicant is not entitled for grant of bail.

(5) On 20.10.2021, victim/prosecutrix and her brother appeared before this Court through Video Conferencing. She (victim/prosecutrix) submitted that she is not ready and willing to marry with the applicant.

(6) I have heard learned counsel for the parties and perused the case diary as well as material available on record.

(7) Considering the facts & circumstances of the case, nature & gravity of the offence; also taking into consideration the fact that after keeping victim/prosecutrix about

two weeks, sexually exploited her by the applicant and subsequently he denied to marry with the victim/prosecutrix, I am not inclined to release the applicant on regular bail. Thus, the application under Section 439 of the Cr.P.C. filed by the applicant is rejected. However, it is made clear that if the conclusion of the trial will be delayed, then the applicant is at liberty to move fresh application for grant of bail in accordance with law.

Certified copy, as per rules.

Sd/-

(N.K. Chandravanshi)
Judge

D/-

