

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5189 of 2021

1. Kuleshwar Prasad Sen S/o Khubi Ram Sen, Aged About 28 Years, R/o Village Sinodha, Police Station Patewa, Tehsil And District Mahasamund (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Rajim, District Gariyaband (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Shubhank Tiwari, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

19/08/2021

- 1) The matter is heard through video conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 03/07/2021 in connection with Crime No. 138/2021, registered Police Station Rajim, District Gariyaband (C.G.) for the offence punishable under Sections 376(2)(n) & 506 of Indian Penal Code.
- 3) Allegation against the present applicant is that he committed sexual intercourse with the prosecutrix, who was his Fiancee, repeatedly on the threat of breaking the marriage if she refused to do so. Subsequently, he refuse to perform marriage with her. On report being lodged to the above effect, the aforesaid offence has been registered against the present applicant.
- 4) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case.

He submits that the applicant is in jail since 03/07/2021, there is no apprehension of his absconding or tampering with the evidence of the prosecution and due to COVID-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) I have heard the learned Counsel appearing for the parties.
- 7) In the totality of the facts and circumstances of the case, the fact that the applicant subjected the prosecutrix to forcible sexual intercourse repeatedly on the threat of breaking the marriage fixed with her and thereafter he refuse to perform marriage with her, the statement of the prosecutrix and other material available on record, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant