

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5623 of 2021**

- Yogesh Pradhan, S/o Anjani Pradhan, aged about 22 years, Cast- Kolta, Occupation- private job, R/o Beharapara, Lailunga, Police Station & Tahsil Lailunga, District Raigarh (CG) at present R/o Ambedkar Chowk, Sichai Colony, Raigarh, Tahsil & District Raigarh (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Chakradhar Nagar, District Raigarh (CG)

---- Non-applicant

For Applicant	:	Mr. Ashish Gupta, Advocate
For Non-applicant	:	Ms. Shubhra Shrivastava, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****26/10/2021**

1. This is first application under Section 439 of CrPC for grant of regular bail to applicant who is in custody since 7.6.2021 in connection with Crime No.233/2020 registered at Police Station Chakradhar Nagar, Raigarh (CG) for commission of offence under Sections 376, 506, 342 of IPC.
2. Case of prosecution, in brief, is that on 3.9.2021 prosecutrix lodged written report in concerned police station making allegation that applicant took her to his house, detained her and committed forcible sexual intercourse with her. Based on allegation in report, aforementioned crime is registered against applicant.

3. Mr. Ashish Gupta, learned counsel for applicant submits that allegations levelled against applicant are false and frivolous. Applicant and prosecutrix, who is 20 years old major girl, were in love affair. Prosecutrix has lodged report against applicant only due to pressure of her parents. Parents of applicant visited house of prosecutrix with proposal of marriage of applicant with prosecutrix but parents of prosecutrix took time. Prosecutrix herself accompanied applicant to his house, resided there for more than one month. Thereafter prosecutrix was taken back by her parents, they pressurized her to lodge report against applicant to which she refused. On refusal to lodge report, her parents got annoyed. Upon putting continuous pressure upon prosecutrix by her parents, she made an attempt to commit suicide by jumping into a water tank. Subsequently, written complaint is lodged by prosecutrix under pressure of her parents based on which crime in question is registered against applicant and he is in jail since 7.6.2021. Hence, applicant may be enlarged on regular bail.
4. On the other hand, Ms. Shubhra Shrivastava, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that serious allegations have been levelled against applicant. Applicant detained prosecutrix in his house and committed rape on her. Applicant has prepared forged marriage certificate, uploaded the same in social media and based on forged marriage certificate, applicant is claiming that applicant and prosecutrix

have performed marriage. She submits that looking to nature of allegations levelled against applicant, he is not entitled to be released on regular bail. In support of her contention, she read out statement of prosecutrix recorded under Section 164 of CrPC.

5. I have heard learned counsel for parties.
6. Considering nature of allegations, statement of prosecutrix recorded under Section 164 of CrPC wherein she has admitted that she likes applicant, she went along with applicant to his house, resided there for more than one month, without commenting anything on merits of case, I am inclined to release applicant on regular bail.
7. Accordingly, the application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to satisfaction of trial Court concerned on the conditions that;
 - he shall appear before trial Court concerned regularly on each & every date unless exempted from appearance.
 - he shall not, in any manner, tamper with the prosecution witnesses.
 - if applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-