

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5878 of 2021

- Jiya @ Ashwini Kumar Singh, S/o Rajendra Singh, Aged About 24 Years, Resident of Sagra (Patel Para), Police Station Janakpur, District- Koriya, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Janakpur , District- Koriya, Chhattisgarh.

---- Non-Applicant

For Applicant : Mr. Ram Sajivan, Advocate

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

06.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 05.11.2020 in connection with Crime No. 148/2020, registered at Police Station- Janakpur, District- Koriya (C.G.) for the offence punishable under Section 376 (2) (n), 452, 506 of IPC.
- 2) Allegation against the applicant is that he on the pretext of marriage established forcible physical relation with the prosecutrix number of times, who is 19 years old, as a result of which, she got pregnant and she delivered one child.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant and the prosecutrix were having love affair and she was well aware of the fact that applicant was a married person. It is further submitted that prosecutrix is a major

girl, due to some dispute between them she lodged report against the applicant. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 05.11.2020 and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant despite being a married person made forcible physical relation with the prosecutrix on the pretext of marriage number of times and as a result of which she got pregnant and delivered one child.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, age of the prosecutrix, as per order of the learned trial Court the applicant is married person, the applicant on the pretext of marriage made forcible physical relation with the prosecutrix as a result of which she got pregnant and delivered one child, without commenting anything on merits of the case, the bail applicant of the applicant is rejected.

Sd/-

(Gautam Chourdiya)
Judge

Nadim