

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 5954 of 2021**

- Rajendra Yadav S/o. Late Shri Phulsingh Yadav aged about 32 Years R/o. Village - Patharipara (Bhandaripara), Thana and Tahsil- Kanker, Distt.-North Bastar Kanker, District : Kanker, Chhattisgarh.

-----Applicant**VERSUS**

- State of Chhattisgarh Through SHO, Police Station-Kanker, District North Bastar-Kanker, Chhattisgarh.

-----Non-applicant

For Applicant	: Mr. Sunil Sahu, Advocate
For Non-applicant	: Ms. Shubhra Shrivastava, P.L.

SB: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****29/10/2021**

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. 168/2021 registered at Police Station Kanker, District North Bastar Kanker (C.G.) for the offence punishable under Section 376, 376(2)(m), 506 of IPC.
2. As per case of prosecution, prosecutrix lodged report with the concerned police station on 12.07.2021 stating therein that she is working with Sunita Farm House at Bardebhata since last 17 years, she is a deserted lady and residing at Bardebhata along with her 12 years' child. Applicant is also working with Sunita Farm House and he stated to prosecutrix that he wanted to marry her and thereafter established physical relationship with her on several occasions. When prosecutrix became pregnant, she intimated the same to applicant and asked him to marry her to which applicant denied and instead has given some medicine for aborting her pregnancy. Based on the report, aforementioned crime is registered against applicant.
3. Mr. Sunil Sahu, learned counsel for applicant submits that prosecutrix is married and deserted lady aged about 38 years

having a 12 years' child. Prosecutrix was well aware of the consequences of making physical relationship, even if allegations are taken to be correct then also relationship as alleged was a consensual relationship, hence no offence as alleged against applicant is made out and he may be enlarged on bail.

4. Ms. Shubhra Shrivastava, learned panel lawyer for the State, while opposing the submission made by learned counsel for the applicant, submits, that there are categorical allegations in the written complaint that applicant established physical relationship with prosecutrix only on the false pretext of marriage, later on applicant refused, hence, he is not entitled for grant of bail.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, nature of allegation levelled in the complaint as well as in the statement recorded under Section 161 & 164 of CrPC, facts and circumstances of the case, age of prosecutrix, 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