

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6714 of 2021

- Laxman Kashyap S/o Lakhmu Kashyap Aged About 24 Years Residing At Village Ghat Dhanora Police Station Banda Ji District Bastar Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through The Police Station Parpa, District Bastar Chhattisgarh

---- Respondent

For Applicant : Shri PK Tulsyan, Advocate

For Respondent/State : Shri Vaibhav Singh, PL

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

13.12.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.47 of 2020 registered at Police Station Parpa, District- Bastar, Chhattisgarh for the offence punishable under Sections 363, 366(A) and 376 of the IPC.

2. Case of the prosecution, in brief, is that, on 25.02.2020, prosecutrix lodged a written report in concerned Police Station stating therein that she was engaged in doing labour work in the month of June, 2019. She came in contact with applicant, he, giving false assurance, that he will perform marriage with her, established physical relationship with her on several occasions since June 2019 to November, 2019, due to which she became pregnant. When this was informed to applicant, he refused to marry her. Based on written report, aforementioned crime is registered against applicant and he was arrested on 28.02.2020.

3. Shri PK Tulsyan, learned counsel for the applicant would submit that false allegations have been levelled against applicant. During pendency of bail application, prosecutrix got examined before trial Court on 22.11.2021, wherein she has not supported case of prosecution. Hence, applicant may be enlarged on regular bail.

4. Shri Vaibhav Singh, learned State counsel opposing the submissions of learned counsel for the applicant, submits that prosecutrix has levelled serious allegations in her complaint, and in her statement recorded under Sections 161 and 164 of CrPC. Hence, applicant is not entitled for regular bail.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations, facts and circumstances of the case, submission of learned counsel for the applicant that in Court statement, prosecutrix has not supported case of prosecution, without commenting anything on merits of the case, I am inclined to enlarge applicant on regular bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the 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

padma