

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7007 of 2021**

- Pappu Yadav, S/o Munnu Ram Yadav, aged about 29 years, R/o Kotara Road, Rajivnagar Gali, P.S. Kotara Road, Raigarh, Tahsil & District Raigarh (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, District Raigarh (CG)

....Non-applicant

For Applicant	:	Mr. Ashish Gupta, Advocate
For Non-applicant	:	Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****06.12.2021**

1. This is first application on behalf of applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in custody since 18.8.2021 in connection with Crime No.1162/2021 registered at Police Station City Kotwali, District Raigarh (CG) for commission of offence punishable under Sections 376 & 506 of IPC.
2. Case of prosecution, in brief, is that prosecutrix lodged written report on 17.8.2021 making allegation that applicant established physical relations with her on 1.12.2020 on the pretext of marriage. Applicant by suppressing material fact that he is already married, performed marriage with prosecutrix in a temple. After three months of their relationship as husband and wife, applicant received phone call from his first wife and at that point of time, prosecutrix came to know that applicant is already a married man. Based on written report, crime in question is registered against applicant.
3. Mr. Ashish Gupta, learned counsel for applicant would submit that prosecutrix is major girl of 24 years age; she entered into physical relationship with applicant with her own will. As per allegation, applicant performed marriage with prosecutrix in a temple and thereafter they started residing as husband and wife, hence the offence alleged against applicant would not be

made out. Applicant is in jail since 18.8.2021, hence he may be enlarged on regular bail.

4. On the other hand, Mr. Anil Tripathi, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that applicant by suppressing material fact of his first marriage with another lady, performed marriage with prosecutrix in a temple; thereafter resided as husband and wife, established physical relationship with prosecutrix. Conduct of applicant in suppressing his earlier marriage itself is sufficient to reject his prayer for grant of regular bail.
5. I have heard learned counsel for the parties.
6. Having regard to facts and circumstances of case, nature of allegation levelled by prosecutrix against applicant; the fact that applicant suppressing his earlier marriage performed marriage with prosecutrix and lived as husband of prosecutrix, I am not inclined to enlarge applicant on regular bail. Accordingly, bail application is rejected

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-