

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7975 of 2020**

- Brijesh Shah S/o Shriram Shah, Aged About 24 Years R/o Near Rajaram Cycle Stores, Link Road, Camp-02, Bhilai Tehsil And District: Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: The District Magistrate, District: Durg, Chhattisgarh.

---- Respondent

For Applicant	-	Ms. Priya Sharma, Advocate on behalf of Shri Avinash Chand Sahu, Advocate.
For Respondent	-	Ms. Akshara Amit, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board**04/02/2021**

1. Heard.
2. The applicant has preferred this bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.513/2020, registered at Police Station Chhawani, District: Durg (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. Applicant has committed forcible sexual intercourse with the prosecutrix on promise to marry.

4. Learned counsel for the applicant refers to the memo of no objection and affidavit filed by the prosecutrix before the trial Court.
5. Learned State counsel would oppose the prayer for grant of bail.
6. Whether or not, the prosecutrix eventually support the prosecution would be seen in the trial. Merely on the basis of some affidavit, the person accused of committing rape on promise to marry cannot be enlarged on bail. Consequently, the bail application is dismissed with liberty to revive the prayer after examination of the prosecutrix.

SD/-

(Prashant Kumar Mishra)
Judge

Amardeep