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HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 1641 of 2020Order Reserved on 27.1.2021Order Delivered on 04.2.2021

- Rohit Kumar Yadav S/o Arun Kumar Yadav Aged About 21 Years
R/o Kailash Nagar, Birgaon, Raipur District Raipur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Urla District Raipur Chhattisgarh

---- Respondent

For Applicant	Mr. Rajeev Shrivastava with Ms. Monica Singh, Advocate.
For Respondent/State	Mr. Soumya Rai, Panel Lawyer
For Objector	Mr. Syed Ishhadil Ali and Shri S.A. Nizam, Advocates

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**C.A.V. ORDER**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.345/2020 registered at Police Station Urla District Raipur (CG) for the offence punishable under Sections 376 and 506 of the IPC.

3. As per the prosecution case, the prosecutrix aged about 20 years was studying with the applicant in the same school. The prosecutrix came to the house of the applicant on 6.1.2020, where he committed forcible sexual intercourse. The incident was informed to her mother and to the parents and sister of the applicant on the next day. In the meanwhile, the prosecutrix carried pregnancy, which was detected during sonography on 23.6.2020, where-after, the pregnancy was aborted on 27.6.2020. The prosecutrix was again subjected to sexual intercourse by the applicant but he did not contact her subsequently.
4. Learned counsel for the applicant would submit that there was a love affair between the applicant and the prosecutrix, pursuant to which, they performed marriage at the Arya Samaj Temple, Baijnathpara, Raipur on 14.1.2020, as is apparent from the marriage certificate and the photographs. Since the prosecutrix belongs to Muslim community, her parents did not agree for the marriage and a false complaint has been lodged against the applicant.
5. The applicant performed inter-religion marriage without the girl being converted to Hindu religion. Their marriage has not taken place according to Hindu rituals by performing *Saptapadi*. If they were actually married, there was no reason for the applicant not to bring her to his house and maintain her as his wife. The fact that after the so called marriage on 14.1.2020, they never lived together as husband and wife, does not inspire

confidence that they were actually married.

6. Considering the nature of allegations, even if the prosecutrix was more than 18 years of age, the present is not a fit case for grant of anticipatory bail to the applicant.
7. Accordingly, the bail application is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Gowri