

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8322 of 2021

Manish Kurre S/o Late Ramsukh Kurre Aged About 25 Years R/o Village Salepur, Post Devkar, Tahsil Berla District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. New Rajendra Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Devershi Thakur, Advocate
For Non-applicant	:	Shri Anil Tripathi, Panel Lawyer
For Objector	:	Shri B.P. Singh, Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

10/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.220/2021 registered at Police Station- New Rajendra Nagar, District- Raipur (C.G.) for the offence punishable under Sections 294, 323, 506, 376 of IPC.
2. Case of prosecution is that prosecutrix and applicant were known to each other, applicant used to visit her house. On 4.8.2021, applicant took the prosecutrix to Raipur on the pretext

that he will marry her. There she resided till 24.8.2021 together where applicant committed sexual intercourse with her on several occasions. On 24.8.2021, when prosecutrix pressurized the applicant to marry her, he refused, also assaulted her and thereafter took her to Durg and took her signature on blank stamp papers. Thereafter, she was left at Raipur and applicant went away. On the next day, incident was reported to concerned police station, based upon which, aforementioned crime was registered and applicant was arrested on 6.10.2021.

3. Shri Devershi Thakur, learned counsel for the applicant would submit that absolutely false and baseless allegations have been levelled against the applicant. Prosecutrix is a married lady. Prior to date of incident, she was residing with her husband and two children and therefore the allegation that applicant committed sexual intercourse with her on pretext of marriage is false as the second marriage of married woman is not permitted in the eye of law. He further submits that allegation of establishing physical relationship if any is accepted, then also, it is consensual as the age of prosecutrix is 24 years on the date of alleged incident. Applicant is In jail since 6.10.2021, hence, he may be enlarged on bail.

4. Shri Anil Tripathi, learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that specific allegation of committing sexual intercourse

with prosecutrix on the pretext of marriage is levelled in the written report as well as in her statement recorded under Section 164 of Cr.P.C. However upon asking to learned counsel for the State with regard to status of prosecutrix, after going through the case diary, he submits that prosecutrix was married with one other person and she is having two children from this wedlock. He also submits that there is no mention of divorce of prosecutrix with her earlier husband.

5. Shri B.P. Singh, learned counsel for the complainant submits that complainant is having no objection in grant of bail to applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, particularly taking into consideration the age of prosecutrix and her status to be a married woman on the date of incident having two children with whom she was residing, without commenting anything on merits, I am inclined to allow the bail application.
8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon his furnishing a bail bond in the sum of Rs.25,000/- with one 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) 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

Praveen