

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8840 of 2020

- Deshpal Sai Paikra S/o Sri Ramfal Aged About 30 Years Occupation Constable (Army), R/o Village Karanjtoli, P.O. Banderchunvan Teh. Kansabel Distt. Jashpur, Chhattisgarh.

---- applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bagbahar, Distt Jashpur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Arun Kumar Shukla, Advocate
For Respondent/State	: Dr. (Ms.) Veena Nair, Dy. A. G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

14/01/2020

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973, as he is in jail since 13.11.2020 in connection with Crime No.115/2020, registered at Police Station Bagbahar, District Jashpur (C.G.) for the offence punishable under Sections 376, 313 of I.P.C.
- 2) The prosecution case in brief is that on 03.11.2020, a complaint was lodged by the prosecutrix alleging therein the applicant after getting acquainted with her through Facebook made physical relations with her for near about 4 months continuously. As a result thereof she got pregnant and got her abortion after making her consumed pills. Thereafter, when the present accused refused to marry the prosecutrix the complaint was lodged.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He also submits that the prosecutrix is a major and educated girl aged about 20 years and she was a consenting party, therefore, offence under Section 376 of IPC is not made against the applicant. He next submits that the FIR has been

lodged with delay of 8 months but the said delay has not been explained. He further submits that charge-sheet has been filed and applicant is in jail since 13.11.2020. Therefore, he may be enlarged on bail.

- 4) On the other hand, learned State Counsel opposes the prayer for grant of bail and supported the order impugned.
- 5) Having regard to the facts and circumstances of the case, the gravity of the offence, the fact that on false pretext of marriage the accused exploited the prosecutrix and due to which she conceived which was got aborted by the appellant after making the prosecutrix consumed certain medicine without expressing anything on merit of the case, this Court does not find present to be a fit case to release the applicant on bail.
- 6) Accordingly, the bail application is rejected.

Sd/-
(Gautam Chourdiya)
Judge

Amita