

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 9017 of 2020**

- Lalit Kumar Agriya Son Of Santram Agriya Aged About 18 Years  
Residence Of Village Bhulsi Bhawna, Chauki Morga, Thana Bango,  
District- Korba (Chhattisgarh), District : Korba, Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through, District Magistrate District- Korba  
(Chhattisgarh) Through Police Station Bango, District- Korba  
(Chhattisgarh), District : Korba, Chhattisgarh

--Non-Applicant

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|----------------------|---|-----------------------------|
| For Applicant        | : | Shri Vikas Pandey, Advocate |
| For Respondent/State | : | Shri Vimlesh Bajpai, G.A.   |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**29.01.2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 21.9.2020 in connection with Crime No.129/2020, registered at Police Station- Bango, District Korba(C.G.) for the offence punishable under Section 376 (f)(n) of the IPC.
2. Case of the prosecution is that the applicant has committed sexual intercourse with the prosecutrix on the pretext of marriage, due to which she became pregnant and thereafter, the applicant denied to marry her. Based on this, an offence has been registered and the applicant was arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the prosecutrix is a married lady and having 3 children and her husband is insane since 5-6 years. The applicant is relative of the prosecutrix and he helped her in treatment of her son and since then they came in close contact and she was a consenting party. He submits that

the applicant is in jail since 21.9.2020 and conclusion of trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the prayer for grant of bail. He submits that the applicant had maintained physical relations with the prosecutrix as the husband of the prosecutrix is insane.
5. Having considered the submissions made by learned counsel for the parties, the nature of allegations against the applicant and the statement of the prosecutrix recorded under Section 164 Cr.P.C. and further considering that the applicant, who is a relative, taking advantage had committed sexual intercourse with her and she became pregnant, I am of the opinion that present is not a fit case in which the applicant should be released on bail.
6. Accordingly, the bail application filed under Section 439 Cr.P.C. is dismissed.

Sd/  
**(Gautam Chourdiya)**  
**Judge**