

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9126 of 2020**

- Ankit Vastrakar, S/o Shri Krishna Kumar Vastrakar, aged about 19 Years, R/o Village Bharni, P.S. and Tehsil Sakri, District Bilaspur Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer Sakri, District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant	Shri Surfaraj Khan, Advocate.
For State	Shri Ajay Kumrani, P.L.
For Objector	Shri Dinesh Kumar Bole, Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****27/01/2021**

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.312/2020 registered at Police Station- Sakri, District Bilaspur, C.G. for the offence punishable under Sections 376 & 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 17.12.2019 the applicant had first physical relation with the prosecutrix in the house of sister of the prosecutrix at village Bharni and thereafter he continued to have physical relations with the prosecutrix till 20.10.2020. When the prosecutrix asked him for marriage, he refused and started threatening her saying that his brother is in

CRPF. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He also submits that prosecutrix was a major girl, she was having affair with the accused for the last more than one year, nothing incriminating has been seized from the applicant, applicant is in jail since 10.11.2020 and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State as well as the Objector oppose the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. In her Statement under Section 164 of Cr.P.C., the prosecutrix has categorically stated that the applicant was having physical relations with her since 17.12.2019 to 20.10.2020 on the pretext of marriage and when she asked him for marriage he refused to do so. The applicant also used to threaten her of life and committed *Marpeet* with her. In her statement under Section 161 of Cr.P.C., she has stated that earlier also she had lodged a report against the applicant at police station Sakri but later the applicant had promised her in writing that he would marry her but subsequently he refused to marry her. She has further stated that on 03.11.2020 while she was returning from the house of her friend, the applicant met her on the way with an agreement wherein it was written that the prosecutrix is withdrawing her

complaint of her own which was made against the applicant at police station Sakri and pressurized her to sign the said document. When she refused to sign the said agreement, the applicant abused her filthily and committed *Marpeet* with her by hands and fists, against which she lodged a report at police station Torba under Crime No.348/2020 for the offence under Sections 294, 506 and 323 of IPC. The statement of the prosecutrix is also supported by her MLC available in the case diary.

7. Thus, in the totality of facts and circumstances of the case, the conduct of the applicant that he exploited the prosecutrix physically for a considerable period from 17.12.2019 to 20.10.2020, also assaulted upon her and intimidated her, without commenting anything on merits of the case, I am not inclined to release the applicant on bail.

8. Accordingly, the bail application stands dismissed.

Sd/-
Gautam Chourdiya
Judge