

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9073 of 2021**

- Banotu Vamshi Naik S/o Banotu Vishwanatham Naik Aged About 24 Years R/o Village Metapalli, Police Station Matampalli, District Suryapenta (Telangana) Presently Residing At Village Naimed Police Station Naimed, Tahsil And District Bijapur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Naimed, District Bijapur, Chhattisgarh.

---- Non-Applicant

For the Applicant : Shri P. R. Patankar, Advocate

For Non Applicant : Ms. Anjali Singh Chouhan, P. L.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board**17.12.2021**

1. The applicant has preferred the first bail application under Section 439 of CrPC for grant of regular bail as he is in jail since 06.10.2021 in connection with Crime No.26/2021 registered at Police Station- Naimed, District- Bijapur (C.G.) for the offence punishable under Sections 376 & 506-B of IPC.
2. The case of prosecution in brief, is that, the present applicant and the prosecutrix were residing on rented premises at the house of Ram Kumar Patel and both have developed friendly relations and thereafter it has been converted into physical relationship. As per prosecutrix, the applicant developed physical relations on the false pretext of marriage, due to which she became pregnant and thereafter applicant given her medicine for abortion. The prosecution after completion of investigation has submitted final report.
3. Learned counsel for the applicant would submit that the prosecutrix is aged about 28 years and she is well aware of the consequences of their relationship. According to learned counsel for the applicant, it is a case of consensual intercourse and no offence under Section 376 of

IPC is made out against the applicant. Learned counsel for the applicant would further submit that applicant has been falsely implicated in this case and he has not committed any offence, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and she would submit that as per Section 161 it has been contended that the applicant has done forcefully sexual intercourse with prosecutrix, therefore, applicant is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Looking to the material available in the case diary, I am not inclined to enlarge the applicant on bail. Accordingly, the bail application is liable to be and is hereby rejected.

Certified copy as per rules.

Sd/-

(Narendra Kumar Vyas)
Judge

Parul