

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 815 of 2015

Akhilesh Sahu S/o Gopal Sahu Aged About 28 Years Occupation Data Analysis In
The Office Of Mahila Bal Vikas, Permanent R/o Kusmi Bus Stand, P.S. & Tehsil
Kusmi, Distt. Balrampur Ramanujganj, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : The Station House Officer, P.S. Ambikapur Surguja
Chhattisgarh

---- Respondent

Shri Jitendra Shrivastava, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Order On Board

02/09/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.398/15 registered at police station – Ambikapur, Surguja, CG for alleged commission of offence under Section 376 of IPC.

2. Case of the prosecution is that the applicant maintained relations with the prosecutrix and also sexually exploited her on the false pretext of marriage.

3. Learned counsel for the applicant submits that even according to the statement of the prosecutrix, she was having affair with the applicant since one year. In the FIR, she herself has stated that she had sexual intercourse with the applicant on number of occasions. Therefore, this is a case of consent. He submits that the prosecutrix is a major girl.

4. On the other hand, learned State counsel submits that even though the prosecutrix states that she had love affair with the applicant and they had sexual intercourse but this was done on the false pretext of marriage. Therefore, it would

not be a case of free consent.

5. Taking into consideration the nature of allegations and taking into consideration the statement of the prosecutrix that she had an affair with the applicant for about one year and during that period, she had sexual intercourse with the applicant and report was lodged at the stage when the applicant refused to marry her, I am inclined to grant bail to the applicant.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge