

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 871 of 2015

Sampat Ram Sahu S/o Johan Ram Sahu, Aged About 38 Years R/o Torla Nawapara,
Tahsil And Police Station Kunda, District- Kabirdham, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through: Police Station- Kunda, District- Kabirdham,
Chhattisgarh

---- Respondent

For Applicant	:	Shri S.C. Verma, Advocate.
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer.

Order On Board

10/09/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.89/15 registered at police station – Kunda, District- Kabirdham (C.G.) for alleged commission of offence under Section 376 of IPC.
2. Case of the prosecution is that the applicant was having affair with the prosecutrix for three years prior to the date of FIR and he also committed sexual intercourse with the prosecutrix on false pretext of marriage and later on, refused to marry.
3. Learned counsel for the applicant submits that even according to the statement of the prosecutrix, the prosecutrix had long live in relationship with the applicant for about three years during this period, she had sexual intercourse with the applicant in the house of the applicant and she did not report the matter after the incident on 03.06.2015 but the report has been lodged in the police station only when a dispute arose between the parties as marriage could not materialized. Therefore, this is a case of false implication.
4. On the other hand, learned counsel for the State opposes prayer and submits that the

applicant had sexual intercourse with the prosecutrix by giving her false pretext of marriage but later on, he did not marry. Therefore, it is not a case of free consent.

5. Taking into consideration the circumstances of the case, statement of the prosecutrix that she was having affair with the applicant since prior to three years from the date of FIR and she states that she had sexual intercourse with the applicant in the house of the applicant in the night and no report was lodged thereafter, the report has been lodged only when dispute arose and applicant refused to marry, the application is allowed.

6. Accordingly, It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail 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 and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava

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