

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No.560 of 2015**

Hemant Sahu S/o Dwarika Prasad Sahu, aged about 26 years, resident of Village Rengabod, Police Station Bhatapara (Gramin) Civil and Revenue District Baloda Bazar-Bhatapara (C.G.)

---- Applicant

**Versus**

State Of Chhattisgarh through: Station House Officer, police of Police Station-Bhatapara (Gramin), District Baloda Bazar-Bhatapara (Chhattisgarh)

---- Respondent

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| For Applicant        | : | Shri Anil Gulati, Advocate |
| For Respondent/State | : | Shri Manish Nigam, P.L.    |

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**Order On Board****15/07/2015**

The applicant is apprehending his arrest in connection with crime number i.e.116/2015, registered at Police Station Bhatapara (Gramin), District Baloda Bazar-Bhatapara for the offence punishable under Section 376 of the Indian Penal Code.

2. Case of the prosecution is that the applicant, on the false pretext to marry, sexually exploited and committed rape on the prosecutrix.

3. Learned counsel for the applicant submits that the prosecutrix in her statement under Section 164 Cr.P.C. before the Magistrate has clearly stated that she and the applicant were having an affair and during that period, they established sexual relationship and later on, when marriage could not be solemnized, the prosecutrix lodged report. It is lastly submitted that now the applicant and the prosecutrix got married and they are living peacefully.

4. On the other hand, learned counsel for the State opposes the bail application and submits that subsequent events cannot be taken into consideration because the fact remains that on the false pretext of marriage, the applicant committed rape on the prosecutrix.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix is major and her statement under Section 164 Cr.P.C. before the Magistrate, wherein she stated that she was having an affair with the applicant and they were maintaining relations, during which sexual intercourse was committed, the application is allowed.

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 on furnishing a personal bond for a sum of Rs.25,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(I) he shall make himself available for interrogation by a police officer as and when required;

(ii) 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, *and*

(iii) he shall cooperate with the investigation as and when he is called.

Sd/-

**Manindra Mohan Shrivastava**  
**Judge**