

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7418 of 2015

Mohan Singh Armo S/o Rajbhan Singh Aged About 21 Years Caste Gond, R/o Village Ghaghra, Police Station Pendra, Civil & Rev. Distt. Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Pasan, Distt. Korba, Chhattisgarh.

---- Respondent

For applicant - Shri Dharmesh Shrivastava, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 66/2015 registered in Police Station Pasan, District Korba (C.G.). for offence punishable under section 376 of Indian Penal Code.
2. As per the prosecution case applicant on the pretext of marriage sexually exploited the prosecutrix and ultimately when applicant was forced to marry, he refused, thereafter report was made.
3. Learned counsel for the applicant submits that it is a case of consent and even if statement of the prosecutrix are admitted as it is case under Section 376 of IPC is not made out and FIR is delayed, therefore, the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. I have perused the statement of the prosecutrix. Perusal of the statement would show that the applicant sexually exploited the prosecutrix on the pretext of marriage, therefore at this stage argument of learned counsel for the applicant cannot be appreciated that consent was pre

consent. Perusal of the statement of the prosecutrix would show that consent of sexual exploitation was obtained on the pretext of marriage, therefore it cannot be pre consent. Taking into account facts and circumstances of the case, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE