

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6095 of 2016

Binu Mathew, S/o. Late P.K. Mathew, Aged About 42 Years, R/o. C-11,
Galaxy Residency Amlidih, Police Station Rajendra Nagar, Raipur, District
Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- District Magistrate, Civil & Revenue Distt.
Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

For Objector : Mr. Sandeep Dubey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.10.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.242/2016 registered at Police Station- Chakarbhata, District Bilaspur (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix on 30.07.2016 that the applicant developed love relation with her and consequently on the pretext of marriage has placed Vermilion on her forehead and thereafter sexually exploited her and physical relation continued on the pretext of marriage. Thereafter, it came to notice of the prosecutrix that the applicant is married and false promises were extended to develop the relationship; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. He further submits that the prosecutrix

is a married lady, she is mother of two child, she was living separately from her husband and she was in contact with the applicant and it cannot be stated that on the pretext of marriage, she was sexually exploited as she was a consenting party. He further submits that false allegations have been made against the applicant and the applicant is in jail since 31.07.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of bail. Learned counsel for the objector submits that even after the FIR, the prosecutrix was threatened not to make any submission and take back the report; therefore, the applicant may not be released on bail.
5. Perused the case diary, report and statement of the prosecutrix. Considering the statement and the report, it appears that the prosecutrix was also a married lady having two children and further taking into the statement under Section 161 & 164 of Cr.P.C., without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge