

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5478 of 2017

Amit Kumar Sahu S/o Shushil Kumar Sahu, Aged About 31 Years R/o
C.W.S. Colony, Post Banbhal, District Jharsuguda, Oddisa.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Chakradhar Nagar, District
Raigarh, Chhattisgarh.

---- Respondent

Shri Sanjay Agrawal, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.
Shri Ravindra Agrawal, counsel for the Objector.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/11/2017

Heard.

The applicant has been arrested in connection with Crime No.152/2017 registered at Police Station – Chakradhar Nagar, Distt. - Raigarh (CG) for alleged commission of offences under Section 376 of IPC.

2. Case of the prosecution is that the applicant subjected the prosecutrix to sexual exploitation and rape for a long period of six years prior to the lodging of FIR on a false pretext of marriage.

3. Learned counsel for the applicant submits that on the face of FIR lodged by the prosecutrix, it is clear that the applicant and the prosecutrix had a long standing affair, therefore, it cannot be said to be a case of rape because even according to the prosecutrix, relationship was made with her consent. It is further submitted that investigation is complete, charge sheet has been filed, therefore, in these circumstances, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and

submits that as the applicant maintained relations only to sexually exploit the prosecutrix without any intention to marry her, therefore, the sexual intercourse was on the pretext of marriage.

5. Taking into consideration the submission of learned counsel for the parties, contents of FIR and diary statements and the statement of the prosecutrix that she having long drawn affair with the applicant for the last six years and the prosecutrix being major, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge