

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 851 of 2017**

Krishna Kumar Vastrakar, S/o Shri Ramratan Vastrakar, aged about 26 years, R/o Devrikhurd, PS Torwa, District Bilaspur (CG).

-----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Supela, District Durg (CG).

---- Respondent

For Applicant	:	Shri Sourabh Sharma, Advocate.
For Respondent	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board**

28/11/2017

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.7741 of 2017 registered at Police Station Supela, Distt. Durg, for the offence punishable under Section 376 IPC.
2. The allegation against the applicant as per prosecution is that, the applicant on the pretext of marriage is said to have had physical relationship with the complainant for about 5-6 years and thereafter he had refused to marry with the prosecutrix leading to filing of FIR on 04.09.2017.
3. According to the counsel for the applicant, the applicant has falsely been implicated in the case. He took the court through the statement of the complainant and FIR and submits that perusal of 161 statement of the complainant would clearly reflect that there was consensual relationship between the applicant and the complainant and that they were known to each other and were also related to each other. Both

were of the same age group, and therefore the applicant may be granted anticipatory bail.

4. Counsel for the State however opposes the bail application and submits that it is a case where the allegation against the applicant is that of exploiting the complainant for a considerable long period and thereafter refusing to marry, and thus prayed for rejection of the bail application.
5. Having heard learned counsel for the parties and perusal of case diary it is apparently clear that there was consensual relationship between the two. They were known to each other and were of the same age group i.e. 26-27 years. Further, the complainant had visited with the applicant to numerous places including various hotels, in and around the city, and had physical relationship with the applicant. All these facts prima facie shows that there was a consensual relationship between the two and therefore, this court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
2. The accused/applicant 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/her from

disclosing such facts to the Court or to any police officer;

3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

4. The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge

inder