

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6746 OF 2017

Dharmendra Sahu, S/o Hiraram Sahu, aged about 23 years, R/o Village Tehka, Police Station- Bhatapara (Gramin), Civil and Revenue District Balodabazar-Bhatapara (C.G.)

... Applicant

versus

State of Chhattisgarh, through : Station House Officer, Police Station- Bhatapara (Gramin), Civil and Revenue District Balodabazar-Bhatapara (C.G.)

... Respondent

For Applicant	:	Mr. J.R. Verma, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 30.8.2017 in connection with Crime No.304/2017 registered at Police Station- Bhatapara (Gramin), District Balodabazar-Bhatapara, for the offence punishable under Sections 376, 450 of IPC.
2. Allegation against the Applicant as per the prosecution case is that Applicant is said to have had a physical relationship with the Prosecutrix since long on the pretext of marriage.
3. Learned Counsel for the Applicant submits that it is a case where the Prosecutrix is a grown up lady and is already married and she is staying in her matrimonial home and that the place of incident also is said to have in the matrimonial home it would conclusively establish that there was consensual relationship between the two and therefore prayed for the Applicant to be released on bail.
4. Learned Counsel for the State however opposes the bail application on the ground that the Applicant on the pretext of marriage is said to have

had a physical relationship with the Prosecutrix for a considerable long period of time and thus he does not deserve to be released on bail.

5. Considering the facts and circumstances of the case, particularly taking note of the statement of the Prosecutrix wherein she has admitted of her being a married lady and that the Applicant also being entertained by the Prosecutrix herself at her matrimonial home, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the bail application is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge