

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6715 OF 2017

Karan Thakur, S/o Shankar Thakur, Age- 19 years, R/o Thakurpara,
Badhiyatola, Dongargarh, District Rajnandgaon (C.G.)

... Applicant

versus

State of Chhattisgarh, through the Inspector, Police Station Dongargarh,
District Rajnandgaon (C.G.)

... Respondent

For Applicant	:	Mr. G.S. Patel, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/12/2017

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 31.7.2017 in connection with Crime No.221/2017 registered at Police Station- Dongargarh, District- Rajnandgaon, for the offence punishable under Sections 376, 313, 493 read with Section 34 of IPC.
2. Allegation against the Applicant as per the prosecution case is that the Applicant is said to have on the false pretext of marriage had exploited the Prosecutrix and is also said to have had sexual relationship with her for a considerable period of time and subsequently he is said to have refused to marry her, which led to the filing of the FIR. In between, there is also an allegation on the family members of the Applicant of getting the abortion done on the Prosecutrix, which she had conceived by virtue of relationship that she had with the Applicant.
3. Learned Counsel for the Applicant submits that the Applicant is an 19 year old boy and the Prosecutrix in the instant case is aged more than than the Applicant and that there was a relationship between the two for a long time and in between the two had maintained physical relationship on numerous occasions and the physical relationship was a part of

consensual relationship that the two had and therefore the Applicant may be released on bail.

4. Learned Counsel for the State however opposing the bail application submits that the present is a case where the Applicant on the pretext of marriage is said to have exploited the Prosecutrix and finally has refused to marry her which led to the lodging of the FIR and therefore he does not deserve to be released on bail.

5. Considering the facts and circumstances of the case, particularly the age of the Applicant as also the Prosecutrix and also considering the statement of the Prosecutrix where she has accepted the fact of having voluntarily gone with the Applicant at different places on various dates and had sexual relationship with the Applicant, 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