

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6616 of 2017

Amit Kumar Korram S/o Nimayya Korram Aged About 30 Years R/o Village Arjunnalli, Police Station Bhopalpatnam, District Bijapur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-Bhopalpatnam, District Bijapur, Chhattisgarh.

---- Respondent

Ms. K. Tripti Rao, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/12/2017

Heard.

The applicant has been arrested in connection with Crime No.33/2016 registered at Police Station – Bhopalpatnam, Distt. - Bijapur (CG) for alleged commission of offences under Section 376 of IPC.

2. Case of the prosecution is that the applicant sexually exploited the prosecutrix on the false pretext of marriage.

3. Learned counsel for the applicant submits that the statement of the prosecutrix under Section 164 CrPC recorded before the Magistrate clearly show that the applicant and the prosecutrix had a long drawn affair for about four years and only when this was disclosed to the public that a dispute arose and a report was lodged. It is submitted that in view of above, the applicant may be granted bail because investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses.

4. On the other hand, learned State counsel opposes bail application and submits that even in a case where sexual intercourse is committed on false pretext of marriage, it would be a case of commission of offence under Section 375 of IPC.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration what has been stated by the prosecutrix in the statement under Section 164 CrPC wherein she herself has stated that she had an affair with the applicant for four years and it was only when the villagers saw them together and the matter became open, report was lodged and also considering that investigation is complete and charge sheet has been filed, 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.25,000/- along with two local sureties 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