

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1049 of 2017**

- Satyendra Kosariya S/o Krishna Kosariya, Aged About 31 Years R/o- Vindhyavasini Ward, Behind Vindhyavasini Temple Dhamtari, Tahsil and District- Dhamtari, Chhattisgarh. **--- Applicant**

**Versus**

- State of Chhattisgarh through Police Station City Kotwali, Dhamtari, Distict-Dhamtari, Chhattisgarh. **--- Respondent**

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| For the applicant  | : | Mr. Y.C. Sharma, Advocate          |
| For the Respondent | : | Mr. Anil S. Pandey, Govt. Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**03.03.2017**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.04/2017 registered at Police Station City Kotwali, Dhamtari (C.G) for the offence punishable under Section 376 & 506 IPC.
2. As per the prosecution case, on 08.01.2017 a report was made by the prosecutrix that prior to five years of the date of report on different dates the applicant continuously committed sexual intercourse with the prosecutrix on the pretext of marriage and thereafter refused to marry.
3. Learned counsel for the applicant on instructions would submit that the applicant is ready and willing to marry the prosecutrix. He further submits that the prosecutrix was a consenting party and she was aged about 25 years, therefore, no offence is made out. He further submits that the charge sheet has been filed and the applicant is in jail since 09.01.2017, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
  5. Perused the case diary documents and the statements of prosecutrix recorded u/ss 161 & 164 Cr.P.C. Considering the statements of prosecutrix and the submission made by the learned counsel for the applicant that the applicant is ready and willing to marry the prosecutrix, I am inclined to release the applicant on bail.
  6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-  
GOUTAM BHADURI  
JUDGE**