

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2510 of 2017

Rajkumar @ Raju Kol S/o Gangaram, Aged About 21 Years R/o Village Navadih Sarbhoka, Police Station Podi, Tahsil Manendragarh, District Koriya, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through The Station House Officer, Podi, District Koriya, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Shakti Raj Sinha, Advocate
For Respondent / State	:	Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

15/06/2017

1. The present applicant is in jail since 21/01/2017 in connection with Crime No.12/2017 registered at police station – Podi, District - Koriya (CG) for the offences punishable under Sections 376, 376 (2) (n) of IPC.
2. The case of the prosecution is that the present applicant used to maintain physical relation with the prosecutrix and subsequently, having refused to marry the prosecutrix, a complaint has been made.
3. Learned counsel for the applicant relies upon the statement of the prosecutrix recorded under Section 164 CrPC wherein she had denied all those allegations which has been made and submits that the present applicant and the prosecutrix while eloping from the house, they were caught by the relatives of the prosecutrix and because of the fear of assault from the family members, the present applicant fled away from the place and switched off his mobile, on account of which, the prosecutrix is said to have filed a complaint against the present applicant.
4. On perusal of the case diary and statement of the prosecutrix under

Section 164 CrPC, this fact is not disputed by the State counsel.

5. Considering the statement of the prosecutrix under Section 164 CrPC and the fact that from the averments made in the said statement which clearly reflects that whatever relationship the prosecutrix had with the applicant, was with her consent, this Court is of the opinion that it is a fit case for grant of bail.

6. Accordingly, the bail application filed under Section 439 of CrPC 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/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE