

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C No. 3053 of 2017

- Ghanshyam Korram@ Ghassu Korram S/o Farasu Korram
Aged About 32 Years R/o Mararpara Kondagaon, Police
Station & Tahsil Kondagaon, District Kondagaon,
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kondagaon,
District Kondagaon, Chhattisgarh.

---- Respondent

For the Petitioner : Shri Pravin Kumar Tulsyan,
Advocate.

For the Respondent/State : Shri U.K.S. Chandel PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20.11.2017

1. This is the first bail application filed under Section 439 of the
Code of Criminal Procedure for grant of regular bail to the
applicant, who has been arrested in connection with Crime
No. 25/2017, registered at Police Station – Kondagaon,

District – Kondagaon (C.G), for the offences under Section 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 09.02.2017. The Prosecutrix in this case is a major woman of 24 years age. Applicant and prosecutrix had love affair and on account of which they had physical relation on number of occasions before FIR was lodged. He further submits that when the prosecutrix became pregnant and the applicant refused to marry her, FIR has been lodged. The trial is likely to take some time for its completion. In these circumstances, the applicant be released on bail.
3. Learned counsel for the State opposes the bail application and submissions made that prosecution case is against the applicant, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. Facts of the case are these that the applicant under the false promise of marriage had developed physical relations with the prosecutrix several times and when she became pregnant, he refused to marry her. Thus, the applicant had sexually exploited her on the promise of marriage amounting to rape by deception.
6. From the statement of applicant available in the case diary it is clear that the applicant and the prosecutrix have lived together for almost 2 years and he wanted to marry her, but this relationship was not acceptable to their family members.

7. Considering the submissions and contents of the case diary and nature of the allegation against the applicant, I am of the view that it is a fit case where the applicant is entitled for grant of bail. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal