

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3348 of 2017**

- Baisakhu Ram Nirmalkar S/o Ramsay Nirmalkar, aged about 21 years, R/o village Pachra, Police Station Bango, Tahsil Pondi Uproda, Civil & Revenue District Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, Police Station Darri, District Korba (C.G.)

---- Respondent

For Applicant. : Shri Dharmesh Shrivastava, Advocate.
 For Respondent. : Shri Ravindra Agrawal, P.L. for the State

Hon'ble Shri Justice Pritinker Diwaker**Order on Board****13/11/2017**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.24/2017 registered at Police Station : Darri, District Korba (C.G.) for the offence punishable under Section 376 of IPC.
2. Case of the prosecution in brief is that the applicant continued to have physical relation with the Prosecutrix from 04.10.2014 till 07.03.2017 on the pretext of marriage. When he refused to perform marriage with the Prosecutrix, report has been lodged against him.
3. Learned counsel for the applicant submits that apparently the Prosecutrix aged about 22 years is a consenting party to the

act of the applicant and even the entire prosecution case is taken as it is, offence under Section 376 of IPC is not made out against the applicant.

4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the inordinate delay in lodging the FIR and the fact that Prosecutrix is aged about 22 years, without further entering into merits of the case, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.
7. It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-

(Pritinker Diwaker)
JUDGE