

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3977 of 2017**

- Mohd. Imtiyaz S/o Salim Khan Aged About 42 Years R/o Odgi Naka, Baikunthpur, Police Station And Tahsil Baikunthpur, District Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station - Podi, District- Korea, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Manish Sharma with Shri Anil Gulati, Advocates.
 For Non-Applicant : Miss Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****21/11/2017**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.62/2017, registered in Police Station : Podi, District Korea for offence under Sections 376 (2)(ढ), 450 and 506 of the IPC.
2. The applicant has allegedly committed forcible sexual intercourse with the prosecutrix, aged about 31 years, on promise to marry.
3. The documents available in the case diary or filed with the present bail application would indicate that the prosecutrix was earlier married to one Dikeshwar Sharma with whom she had some marital dispute. Be that as it may, when there was first sexual relation between the applicant and the prosecutrix in May, 2015, the prosecutrix was residing alone in a rented accommodation. The applicant and the prosecutrix are working in the same department and during their

posting at common place they developed intimacy. When the first sexual encounter took place on 15.5.2015, the prosecutrix was subjected to forcible sexual intercourse, however, subsequent relations between them appears to be consensually, though as stated by the prosecutrix, it was on promise to marry by the applicant.

4. Learned State Counsel would oppose the prayer for grant of bail.
5. Considering the fact that the FIR has been lodged on 26.3.2017 i.e. after about 1 year 10 months from the date when first sexual encounter took place between them and the age of the prosecutrix, as also for the fact that both are public servants working in the same department, therefore, there were all possibilities of their interaction 24x7, it is a fit case where the applicant should be enlarged on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve