

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5036 OF 2017

Ritesh Singh Maravi, aged about 20 years, S/o Jagdish @ Chhedoo Maravi, R/o village Belhah, PS Pachpadi, District Bilaspur (CG).

... Applicant

Versus

State of Chhattisgarh, through SHO Pachpadi, District Bilaspur (CG).

... Respondent

For Applicant	:	Shri Hemant Gupta, Advocate.
For Respondent-State	:	Shri D. Minj, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 23.05.2017 in connection with Crime No. 18 of 2017 registered at Police Station Pachpadi, Distt. Bilaspur for the offence punishable under Section 376 IPC.
2. As per prosecution case, the appellant is said to have on the pretext of marriage has maintained physical relationship with the prosecutrix and in the course of physical relationship the prosecutrix is said to have got conceived and ultimately when the applicant is said to have refused to marry, the prosecutrix has filed a report.
3. Learned Counsel for the applicant submits that it is a case where the prosecutrix is more aged than the applicant, she has three children whereas, the applicant is a young boy of 20 years of age and therefore there could not be marriage under normal circumstances. Further, even if the entire case of the prosecution is accepted, it is a

clear case of consensual relationship which the prosecutrix had with the present applicant. Further, from a perusal of statement of the prosecutrix made under Sections 161 as well as 164 CrPC would reveal that there was a consensual relationship between the two. It is a case where the present applicant has been falsely implicated in a criminal case only when he refused to marry the prosecutrix, and therefore he may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that it is a case where the prosecutrix was exploited by the applicant on the assurance of marriage and therefore the applicant may not be enlarged on bail.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the age of the prosecutrix so also the age of the applicant; the admission of having a consensual relationship in her statement under Section 164 CrPC and also the fact that the applicant is in detention since 23.05.2017, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge