

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 5741 of 2017**

Ranjit Kashyap S/o Nand Kumar Kashyap, aged about 33 years, R/o Gitanjali City, Phase 2, Sarkanda, Police Station Sarkanda, Tahsil and Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer Police Station Sarkanda, Tahsil and Civil & Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri C. P. Lahre, Advocate
For Respondent/State	:	Shri D. R. Minj, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 204/2017 registered at Police Station Sarkanda, District Bilaspur(CG) for the offence punishable under Section 376 of IPC. The applicant is in jail since 27.06.2017.

2. The allegation, as per the prosecution, against the applicant is that he on the pretext of marriage is said to have cohabited with the prosecutrix for a considerable period of time and ultimately refused to marry her. In between, the applicant is said to have made physical relationship with the prosecutrix on numerous occasions.

3. Counsel for the applicant submits that the prosecutrix in the instant case is an educated grown up lady working as a nurse in a hospital at Bilaspur and that she was in a live-in relationship with the applicant and

stayed together for about 4 months. Thereafter, for some reason, the relationship broke up and they had parted and subsequently the FIR has been lodged. Given the factual circumstances, counsel for the applicant submits that the conduct of the prosecutrix itself shows the consensual relationship that the two had and prayed for releasing the applicant on bail.

4. State counsel, however, opposing the bail application submits that it is a case where the present applicant had assured the prosecutrix of marrying her and in the process made physical relationship with her but subsequently he refused to marry which led to the lodging of the FIR.

5. Taking note of the fact that the prosecutrix in the instant case is a qualified lady working as a nurse in a dental clinic and the fact that admittedly the prosecutrix and the applicant both are already married to different persons, this Court is of the opinion that prima facie it appears to be a consensual relationship between the two.

6. Thus, considering the aforesaid facts and circumstances of the case, this Court is of the opinion that it is a fit case for grant of bail to the applicant.

7. 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 in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE