

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 5751 OF 2017

Galiram Giri @ Ram Goshwami, S/o Mishriram, aged about 20 years, R/o Kargi Road, Kota, Kot Sagarpara, Ward No.1, Police Station- Kota, Civil & Revenue District Bilaspur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Pandariya, District Kabirdham (C.G.)

... Respondent

For Applicant	:	Mr. Govind Dewangan, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 10.7.2017 in connection with Crime No.102/2017 registered at Police Station- Pandariya, District Kabirdham, for the offence punishable under Section 376 of IPC.
2. As per the prosecution, allegation against the Applicant is that on the pretext of marriage he is said to have committed physical relationship with the Prosecutrix for about six months wherein they had also stayed together and during the said period the Applicant is said to have committed physical relationship with the Prosecutrix on numerous occasions.
3. Learned Counsel for the Applicant submits that it is a case where the Prosecutrix is a major grown up lady and that she had voluntarily and willingly gone and stayed with the Applicant for about six months' time and it is only when the Applicant is said to have married another lady that the FIR has been lodged. Learned Counsel for the Applicant further submits that it is a case which clearly reflects a consensual relationship between the two and they had voluntarily and without any coercion had physical

relationship among them. Further, from the statement of the Prosecutrix also it reflects that the Applicants had no point of time used any force or coercion while taking the Prosecutrix to different places.

4. Learned Counsel for the State however opposing the bail application submits that it is a case where the Prosecutrix was assured of marriage by the Applicant and it was on this assurance that the Prosecutrix surrendered herself to the Applicant and they had physical relationship and it is only when the Applicant is said to have married another girl, the cause of filing of the complaint arose and the FIR has been lodged.

5. Having heard the submissions put forth on either side and on perusal of record particularly the statement of the Prosecutrix recorded under Section 164 of CrPC, this Court is of the opinion that *prima case* a case of consensual relationship is reflected and therefore a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- 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