

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6118 of 2017

Sajan Mandavi S/o Mangluram Mandavi Aged About 25 Years R/o Borgaon
Keshkal Police Station Keshkal District Kondagaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Keshkal
Civil And Revenue District Kondagaon Chhattisgarh.

---Respondent

For Applicant	:	Shri Shobhit Koshta, Advocate
For Respondent/State	:	Shri Avinash Singh, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/11/2017

Heard.

1. The applicant has been arrested in connection with Crime No.132 of 2016 registered at Police Station- Keshkal, District Kondagaon (C.G.) for the alleged commission of offence under Section 376, 506 of IPC.
2. Case of the prosecution is that the applicant committed rape on the prosecutrix.
3. Learned counsel for the applicant submits that the prosecutrix had an affair with the applicant for many years and she herself had gone to the house of the applicant which shows that it is a case of consent. He further submits that FIR was lodged after three months because according to the prosecutrix, the applicant was not prepared to marry her.

4. On the other hand, learned counsel for the State has opposed the bail application and submits that looking to the nature and gravity of allegation and that in the event of grant of bail, the applicant is likely to abscond or tamper with the prosecution witnesses.
5. Taking into consideration the submission, the prosecutrix is a major and she claims to have known the applicant many years, she herself had gone to the house of the applicant, FIR was lodged after three months and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge