

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C No. 6148 of 2017

Guddu @ Sahadev Kewat S/o Late Shri Sukhram Kewat, Aged About 29 Years R/o Village Amlidiha, Main Road, Chowki Lawan, Police Station Kasdol, District Baloda Bazar Chhattisgarh. Presently R/o In The House Of Ramanandan Rajwade, Bisunpur, Near Power House, Police Station Gandhi Nagar, District Surguja, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Ajak, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava,
Advocate.

For the Respondent/State : Shri Vinod Tekam, PL.

For the Objector : Shri R.V. Rajwade, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27.11.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 16/2017, registered at Police Station – Ajak, Ambikapur, District – Surguja (C.G), for the offences under Section 376 (2) (n), 506 – B, 450 of the Indian Penal Code and Section 3 (2)

(v), 3 (2) (v) (ka) of the SC/ ST (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated by the prosecutrix in this case and he is in jail since 15.07.2017. Applicant and the prosecutrix had love affair from 6 to 7 years, prosecutrix had been major at the time when affair started and presently her age is 26 years. She had been consenting party all the times when they had physical relationship. When the applicant performed marriage with another girl prosecutrix has lodged false complaint against the applicant. It is submitted that no offence of rape is made out neither there is any ground of prosecution of the applicant for offence under the provision of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, hence, it is prayed that the applicant may be enlarged on bail.
3. Learned counsel for the State opposes the bail application and the submission made in this respect and submits that prosecutrix, who is a member of Scheduled Caste was exploited sexually by the applicant, hence, the applicant is not entitled for grant of bail.
4. Learned counsel for the Objector also supports the argument of the State counsel and opposes the bail application.
5. Heard counsel for both the parties and perused the case diary.
6. The facts of the case are these that applicant and prosecutrix developed love affair since April, 2011 both started having relationship, this continued for another 6 years. Applicant had promised the prosecutrix that he will marry her. Applicant then refused to marry the applicant saying that she is a member of

Scheduled Caste and also threatened her with dire consequences. A written complaint was submitted in PS-Ajak, Ambikapur, District – Surguja on 14.01.2017, on the basis of which FIR was lodged.

7. Prosecutrix had been major all the times when the relationship took place. Refusal of the marriage by applicant is the reason complaint has been lodged.
8. Considering the submissions made by learned counsel, contents of the case diary and looking to the facts of this case that Prosecutrix had been major all the times when relationship took place and refusal for the marriage by the applicant was the reason lodging the complaint. I am of the view that it is a fit case where the applicant is entitled for grant of bail.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd /-
(Rajendra Chandra Singh Samant)
Judge