

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.7202 of 2017

Sahid @ Wahid Khan S/o Sukaruddin, aged about 22 years, R/o village Manjhali, P.S.Badpara, District Katni (M.P.).

---Applicant

Versus

State of Chhattisgarh, Through – The Police Station City Kotwali District Bilaspur (C.G.).

---Respondent

For applicant	:	Shri P.K.Tulsyan, Advocate.
For resp./State	:	Shri D.R.Minj, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/12/2017

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.362/2017 registered at Police Station City Kotwali, District Bilaspur (C.G.) for the offence punishable under Section 376 of IPC.
2. Present applicant is in jail since 15/09/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant on the pretext of marriage is subjected to have had physical relationship with the prosecutrix for a considerable period of time and in the course, the prosecutrix also got conceived and later the present applicant is said to have left the company of the prosecutrix and refused to marry her so also refused to meet her also.

4. The counsel for the applicant submits that, the prosecutrix in the instant case is a major girl and that there is a great delay in lodging of the F.I.R. and even otherwise the plain reading of the statement of the prosecutrix would clearly reflect that, she was a consenting party to the physical relationship that they had and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application on the ground that, the present applicant on the pretext of marriage has exploited the prosecutrix and subsequently he refused to marry her and thus prayed for rejecting the bail application.

6. Having heard the contentions put forth on either side and on perusal of record, particularly, the statement of the prosecutrix, the age of the prosecutrix and the fact that from the statement of the prosecutrix it does not reveal that at any point of time, she has protested or objected from having physical relationship with the present applicant.

7. Accordingly this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-
(P. Sam Koshy)
JUDGE