

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 6578 of 2017**

Prem Kumar Sao S/o Shri Vijay Kumar Sao, Aged About 25 Years
R/o Village Karpawand, Tahsil Bakawand, District Bastar,
Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Nagarnar, O.P. Bakawand,
District Bastar, Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Keshav Dewangan, Advocate
For State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/10/2017**

1. This is a second bail application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 140/2017 registered at Police Station Nagarnar, O.P. Bakawand, District Bastar, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.
2. The earlier bail application was dismissed as withdrawn vide order dated 03.10.2017, passed in MCRC No. 6176/2017.
3. The counsel for the applicant submits that the earlier bail application stood withdrawn on account of error on the part of the counsel as he had been instructed to withdraw a different case, but he inadvertently withdrew the present case and immediately thereafter the present application has been filed reviving the bail application.
4. Counsel for the applicant submits that the present applicant has been charged for the offence under Section 376 of Indian Penal Code. He contends that the prosecutrix in the instant case is a major

lady and she is also a teacher and was a consenting party to the relationship that she had with the present applicant, and therefore the present applicant deserves to be released of bail.

5. The State counsel however opposes the bail application and submits that it is a case, where the present applicant is said to have exploited the prosecutrix on the pretext of marriage, and therefore he does not deserve to be released on bail.
6. Considering the facts and circumstances of the case, particularly the contents of the complaint lodged by the complainant, wherein she categorically admits that she is a qualified lady and she is working as a teacher in one of the school and further also considering the age of the prosecutrix, this Court is of the opinion that prima facie a strong case has been made out for grant of bail. Accordingly, the bail application is allowed.
7. Accordingly, the present 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge