

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 229 of 2018**

Deepak Shukla S/o Ramsakal Shukla, aged about 26 years, R/o village Jamwantpur Police Station, Ramanujganj, District Balrampur (C.G.).

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Ramanujganj, District Balrampur (C.G.).

---Respondent

For Applicant	:	Shri Shakti Raj Sinha, Advocate.
For State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board**

07/03/2018

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who have been arrested in connection with Crime No.38/2017 registered at Police Station Ramanujganj, District Balrampur (C.G.) for the offence punishable under Sections 376 (2) (n), 363 & 366 of I.P.C.
2. This is a repeat bail application.
3. The earlier bail application stood rejected on 11/09/2017 passed in M.Cr.C. No. 2998/2017.
4. Now, this repeat bail application has been filed after the prosecutrix herself has been examined before the trial Court on 25/10/2017.
5. The counsel for the applicant submits that, it is a case where even if the statement of the prosecutrix is to be believed, on the alleged date of incident she was more than 17 years and 10 months i.e. very short period left for attaining the age of majority. He further submits

that, the prosecutrix has not been able to give the exact date on which for the first time the present applicant had ravished her. He further submits that, the overall statement of the prosecutrix would reveal that, she was a consenting party and that she had willingly maintained the physical relationship with the present applicant and thus prayed for releasing the applicant on bail.

6. The State counsel however opposing the bail application submits that on the date of incident, she was a minor. Further the subsequent physical relationship was also on the pretext of marrying the prosecutrix which when ultimately he refused lead to the complaint being lodged and thus prayed for rejection of bail application.
7. Having heard the contentions put forth on either side and on persual of record particularly taking note of the statement of the presecutrix wherein she has not giving the exact period of having first physical relationship with the applicant and thereafter in spite of considerable period of time when the present applicant not marrying the prosecutrix, yet she continues to maintain the physical relationship prima-facie makes out a case of consensual relationship between the parties.
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