

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 302 of 2018**

Gokul Verma S/o Vikram Verma, aged about 25 years, R/o village Saloni, Out Post Jalbandha, Police Station Khairagarh, (Wrongly mentioned as Police Station Jalbandha) Tahsil Khairagarh, District Rajnandgaon (C.G.).

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Khairagarh (Wrongly mentioned as Police Station Jalbandha), District Rajnandgaon (C.G.).

----Non-applicant

For Applicant	:	Shri Rakesh Pandey, Advocate.
For State	:	Ms.Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/03/2018**

1. The present is an application under Section 439 of Cr.P.C. for grant of bail to the applicant. The applicant is in jail since 20.12.2017, in connection with Crime No. 376/2017, registered at Police Station Khairagarh, Rajnandgaon (C.G.) for the offence punishable under Sections 376, 454, 506 of Indian Penal Code and Sections 3(2)(v) & 3(1)(W) of SC & ST (Prevention of Atrocities) Act, 1989.
2. The allegation against the present applicant as per the prosecution case is that, the present applicant is forcefully entered into the house of the prosecutrix and committed rape wayback in the year 2014 and thereafter also there were couple of occasions where they had a physical relationship and subsequently the present applicant on account of the caste of the prosecutrix chased her out of the house of the present applicant which leads to the lodging of the complaint.

3. The counsel for the applicant submits that the prosecutrix in the instant case is aged about 21 years and that there does not appear to have been any force or any sort of threat induced by the present applicant while having the physical relationship with the prosecutrix. He further submits that, even if the entire allegation levelled as alleged is taken into account it appears to be a clear case of consensual relationship between the two and thus prayed for releasing the applicant on bail.
4. The State counsel however opposing the bail application submits that, the present applicant on the pretext of marriage is said to have had a physical relationship with the prosecutrix and subsequently on the ground of she belonging to a particular caste chased her out of the house and refused to marry her and therefore the present applicant did not deserve bail at this juncture and prayed for rejection of the same.
5. Having heard the contentions put forth on either side and on perusal of record what reflects is that, the present applicant and the prosecutrix both are major persons and all along there was a consensual relationship between the two as there were sufficient opportunity and time for the prosecutrix to have objected to the advancements made by the present applicant, but she willingly offered herself to the present applicant shows the consensual relationship and therefore this Court is of the opinion that prima-facie a strong case for grant of bail has been made out.
6. Accordingly, the 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

Sumit