

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 644 of 2018**

Upendra Sahu S/o Shatrughan Sahu, aged about 27 years, R/o  
Awarabhata Dantewada, Tahsil and PS Dantewada, District South  
Bastar Dantewada (CG)

**---- Applicant****Versus**

State of Chhattisgarh through the Police Station Kanker, District  
North Bastar Kanker (CG)

**---- Respondent**


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| For Applicant        | : | Shri P. K. Tulsyan, Advocate |
| For Respondent/State | : | Smt. M. Asha, Panel Lawyer   |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****19/03/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 21.09.2017 in connection with Crime No. 264/2017 registered at Police Station Kanker, District Kanker (CG) for the offence punishable under Sections 366, 376 (2)(N), 493 of IPC.

2. The allegation against the present applicant as per the prosecution is that on the pretext of marriage the applicant is said to have had physical relationship with the prosecutrix for a considerable long period and finally refused to marry leading to the lodging of the FIR.

3. Counsel for the applicant submits that a plain reading of the statement of the prosecutrix itself would show that she was a consenting party and that she had voluntarily gone along with the applicant and stayed with him for a considerable period of time, therefore, the applicant may be released on bail.

4. State counsel, however, opposing the bail application submits that

the physical relationship between the two were on the pretext of marriage and therefore, the present applicant does not deserve to be released on bail.

5. Having heard the contentions put forth on either side and on perusal of the record and also taking note of the age of the prosecutrix as also her statement recorded under Section 164 of CrPC, 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 present Applicant will 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 trial Court for his appearance before the said Court as and when directed.

**Sd/-**  
**(P. Sam Koshy)**  
**JUDGE**