

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 747 of 2018**

Kaushal Ganwar S/o Shri Basant Ganwar Aged About 23 Years R/o
Village Dubey Umargaon, P.S. Bhanpuri District Bastar Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Kotwali, District
Bastar Chhattisgarh

----Non-applicant

For Applicant	:	Mr. P.K. Tulsyan, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/03/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 458/2017 registered at Police Station Kotwali, District Bastar, Chhattisgarh for the offence punishable under Sections 376 of Indian Penal Code.
2. The present applicant is in jail since 03.12.2017 in connection with the aforesaid Crime number.
3. The case of the prosecution against the present applicant is that on the pretext of marriage the present applicant is subjected to prosecutrix to sexual intercourse on repeated occasions since 2015 to 2017 and it only after the applicant refused to marry her that she has lodged the F.I.R.
4. The counsel for the applicant submits that the prosecutrix in between has also been examined before the trial Court and before the trial Court though she has been declared hostile, however in her cross-

examination she has admitted the fact that the present applicant had physical relationship with the prosecutrix on the pretext of marriage and it is only after he had refused to marry her that she had lodged the F.I.R.

5. From the record, it appears that the prosecutrix in the instant case is aged around 25 years and it also reflects that she is an educated lady to the extent of having attended college.
6. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. 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