

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.782 of 2018**

Tulsi Prasad Jaiswal, S/o Gangaram Jaiswal, aged about 22 years, R/o Bharseda, Police Station Sarai, District Sidhi (M.P.), presently residing at Ward No.8, Behind Rest House, Manendragarh, District Korea, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police of Police Station Manendragarh, District Korea, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****2.4.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been arrested in connection with Crime No.157 of 2017 registered at Police Station Manendragarh, District Korea for offence punishable under Sections 376(2)(ॢ), 506, 450 of the Indian Penal Code, Sections 4 and 6 of the Protection of Children From Sexual Offences Act and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that on 14.5.2017, a written report was lodged by the prosecutrix, aged about 18 years alleging that the Applicant, on the pretext of marriage, established physical relationship with her in the year 2014 and thereafter also

continuously established physical relationship with her and when she asked him to marry her, he denied.

3. Learned Counsel appearing for the Applicant submits that the prosecutrix was a consenting party. On the date of lodging the report, her age was about 18 years. Though she has stated that the alleged offence was committed with her in the year 2014 yet no report was lodged at that time. The Applicant has been falsely implicated in the case on his refusal to marry the prosecutrix. Charge-sheet has been filed against the Applicant. He is in custody since 28.7.2017 and trial will take some time. Therefore, he may be released on bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Taking into consideration the facts and circumstances of the case, particularly, the facts that on the date of lodging of the report by the prosecutrix, she was 18 years old, from her statement and her report, she appears to be a consenting party, charge-sheet has been filed against the Applicant, he is in jail since 28.7.2017 and trial may take some time, without further commenting on merits of the case, I am inclined to enlarge the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- with one

solvent surety of the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE