

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.923 of 2018

Shubham Agrawal S/o Babulal Agrawal, aged about 22 years,
Occupation Business, R/o Sattipara (Nehru Ward), P.S. & Tahsil
Ambikapur, District Surguja (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - The S.H.O. Police Station Mahila
Thana Ambikapur, District Surguja (C.G.).

---Respondent

For applicant	:	Shri Shakti Raj Sinha, Advocate.
For resp./State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/04/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.16/2017 registered at Police Station Mahila Thana Ambikapur, District Surguja (C.G.) for the offence punishable under Section 376 (2) (n) of IPC.
2. Present applicant is in jail since 24/11/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant on the pretext of marriage is said to have called the prosecutrix from Nagpur to Ambikapur and there he is said to have kept the prosecutrix in an isolated location and there the present applicant had a physical relationship with the presecutrix on repeated occasions for 3 continuous days between 26/06/2017 to 29/06/2017 and subsequently the

present applicant is said to have refused to marry the prosecutrix and have also started blackmailing her which ultimately lead to the filing of the F.I.R.

4. The counsel for the applicant submits that, even if the statement of the prosecutrix is to be believed, it is a clear case of consensual relationship between the two. He further submits that the prosecutrix in the instant case is much more aged than the present applicant. He further submits that it is a case where there is no evidence of pretext of marriage offered by the present applicant on the social media when they had befriended each other. It was also the contention of the counsel for the applicant that the prosecutrix had voluntarily all the way from Nagpur had come to stay with the present applicant at Ambikapur and for these reasons prayed for releasing the applicant on bail.

5. The State counsel on the contrary opposing the bail application submits that it is a case where the nature of allegation are quite serious and considering the fact that there is also an allegation of the present applicant blackmailing the prosecutrix on the pretext of having recorded certain videos which the present applicant has in his possession of the prosecutrix. The present applicant did not deserve bail at this juncture and thus prayed for rejecting the bail application.

6. Having heard the contentions put forth on either side and on perusal of record particularly taking note of the statement of the prosecutrix under Section 164 Cr.P.C. and also considering the age gap between the present applicant and the prosecutrix so also keeping in view of the fact that the

prosecutrix had voluntarily come all the way from Nagpur and stayed with the applicant without any reservation or objection with the present applicant at Ambikapur, prima-facie this Court is of the opinion that there appears to be a consensual relationship between the two.

7. Under the circumstances, a strong case has been made out for grant of bail to the present applicant.

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.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE