

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.929 of 2018

Tikeshwar Ram Kaivart S/o Shri Chheduram, aged about 27 years, R/o village Tilkeja, Thana Urga, Tahsil and District Korba (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - District Magistrate, Thana Urga, District Korba (C.G.).

---Respondent

For applicant	:	Shri Anil Gulati, Advocate.
For State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/04/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.131/2017 registered at Police Station Urga, District Korba (C.G.) for the offence punishable under Section 376 of IPC.
2. Present applicant is in jail since 14/10/2017.
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 maintained the physical relationship with the prosecutrix for a considerable period of time and subsequently he has refused to marry the prosecutrix which leads to the filing of an F.I.R. on 10/07/2017.
4. The counsel for the applicant submits that a plain reading of the statement of prosecutrix under Section 164 of Cr.P.C. itself would show that,

there was a consensual relationship between the two. That the prosecutrix in the instant case is much older than the present applicant and therefore the issue of marriage also does not arise at all. He further submits that perusal of the statement of prosecutrix also show that the prosecutrix voluntarily had a physical relationship with the present applicant for almost 5-6 years and in between never she has raised any objection anywhere in respect of the conduct of the present applicant and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application on the ground that the present applicant has exploited the prosecutrix on the pretext of marriage and therefore he prays for rejection of the bail application.

6. Having heard the contentions put forth on either side and on perusal of record particularly taking note of the contents of the statement of prosecutrix under Section 164 of Cr.P.C., this Court is of the opinion that prima-facie, a strong case for grant of bail has been made out.

7. 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.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit