

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C. No. 1143 of 2018**

Anil Thakur S/o Late Jamuna Thakur Aged About 37 Years R/o. Village-Badakimahari P.S.- Balrampur District-Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- The Police Station- Balrampur District-Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicant : Shri A.N. Pandey, Advocate.

For Respondent/State : Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board**

18/04/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.74/2017 registered at Police Station Balrampur, District Balrampur (C.G.) for the offence punishable under Section 376 of IPC and Sections 3(1)(r)(s) and 3(2)(5) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act.
2. Present applicant is in jail since 24.9.2017.
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 entered into a relationship with the prosecutrix and continued the relationship between 2003 to April, 2017. During the intervening period, it is alleged that the present applicant on the pretext of marriage, has made physical relationship with the prosecutrix continuously and finally, when the present applicant is said to have refused to marry with the prosecutrix, she lodged the FIR.

4. The counsel for the applicant submits that the present applicant has been falsely implicated in the case and even if the entire statement of the prosecutrix, if it is accepted in its totality, it would be a clear case of a consensual relationship between the two. He submits further that the period of 14 years, during which, the applicant and the prosecutrix had a relationship itself reveals that the consent being provided by the prosecutrix for maintaining the relationship and therefore, prayed for releasing the applicant on bail.

5. The State counsel on contrary opposing the bail application submits that it is a case where on the pretext of marriage, the present applicant is said to have exploited the prosecutrix from a very long time and finally refused to marry the prosecutrix, which led to filing of the FIR and therefore, he is not liable to release on bail.

6. Given the facts and circumstances of the case particularly the fact that the prosecutrix in the instant case is a widow lady with grown up child and the fact that she maintained the relationship continuously for about 14 years without any objection whatsoever, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on him 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**