

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.1574 of 2018

Indra Kumar Sahu S/o Late Shri Kejau Ram Sahu, aged about 45 years,
R/o village Nimora, P.S. Rakhi, District Raipur (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – P.S. City Kotwali, District Dhamtari
(C.G.).

---Respondent

For applicant	:	Shri J.K.Gupta, Advocate.
For resp./State	:	Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/04/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.15/2018 registered at Police Station City Kotwali, District Dhamtari (C.G.) for the offence punishable under Sections 376 (2) (a), 506 & 417 of IPC.
2. Present applicant is in jail since 09/01/2018.
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 had physical relationship with the prosecutrix for a considerable period of time and thereafter it is said that he has ditched the prosecutrix and have refused to marry her which led to the filing of the F.I.R.

4. The counsel for the applicant submits that, even if the entire version of the prosecution is accepted in its totality, it would be a clear case of consensual relationship between the two. He further submits that, the prosecutrix otherwise was a married lady, so also was the present applicant and this itself is sufficient indication of the prosecutrix being a consenting party to the physical relationship and he thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that the present applicant is said to have exploited the prosecutrix on the pretext of marriage and in the course the prosecutrix also is said to have conceived and later on a child from the relationship which the prosecutrix had with the present applicant was born, which stands confirmed from the D.N.A. report and therefore the present applicant does not deserve to be released on bail and thus prayed for rejection of the appeal.

6. Having heard the contentions put forth on either side and on perusal of record, particularly considering the statement of the prosecutrix, the age of the prosecutrix so also the fact that the prosecutrix and the applicant both were married persons, 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 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