

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1774 of 2018**

- Aashish Ekka S/o Vifal Say Aged About 30 Years R/o Village Silsila, P. S. Lundra, Tahsil Seetapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through P. S. Batauli, Tahsil Seetapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

--- Respondent

For Applicants : Shri Sunil Tripathi, Advocate
 For Respondent/State: Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****27/04/2018**

Heard.

2. The applicant in the aforesaid bail application has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.02/2018 registered at Police Station Batauli, District Surguja for the offence punishable under Section 376 of IPC.
3. Case of the prosecution is that the applicant, on the pretext of marriage, has committed sexual intercourse with the prosecutrix.
4. Learned counsel for the applicant submitted that even according to the statement of the prosecutrix, as contained in the charge sheet, it is a case of affair between the applicant and the prosecutrix since 2015 and the prosecutrix is major, aged about 28 years. He further submits that according to the prosecutrix, she had been in physical relationship with the applicant for the last three years and the report has been lodged in the police station, only after solemnization of marriage of the applicant with another girl on 27-01-2018.
5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that though the prosecutrix stated that she had an affair

as also physical relations with the applicant since 2015, but the aforesaid act was done on the false pretext of marriage and thereafter, the applicant married with another girl, therefore, prima facie case is made out against the applicant.

6. Having considered the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix and that the prosecutrix is major and she herself stated that she had an affair with the applicant which also involved repeated sexual intercourse and the report has been lodged only after solemnization of marriage of the applicant with another girl, I am inclined to grant bail to the applicant.

7. Accordingly, the bail application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E