

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2004 of 2018**

Praveen Kumar Sahu son of Shri Amrudas Sahu, aged about 23 years, resident of Achholi, Police Station Dongargarh, District Rajnandgaon (CG)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Dongargarh, District Rajnandgaon (CG)

---- Respondent

For Applicant	:	Shri Umakant Singh Chandel, Advocate
For Respondent/State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/05/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 22.11.2017 in connection with Crime No. 24/2017 registered at Police Station- Dongargarh, District Rajnandgaon (CG) for the offence punishable under Sections 376, 450 & 420 of IPC and Sections 3 (2) (v) & 3 (1) ST/SC Prevention of Atrocities Act.

2. The allegation against the present applicant is that he on the pretext of marriage is said to have had physical relationship with the prosecutrix on repeated occasions and is also said to have defrauded by using her ATM and withdrawing huge amount of money form the bank account of the prosecutrix.

3. A perusal of the record more particularly the statement of the prosecutrix recorded under Section 164 of CrPC clearly reflects that

there was a consensual relationship between the two and that at no point of time had the applicant used any sort of force, pressure or coercion and that there was a voluntary act on the part of the prosecutrix in providing ATM for withdrawals to be made. Given the facts, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

4. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**