

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2550 of 2018**

Seemon Ekka S/o Gabrel Ekka Aged About 23 Years R/o- Village- Dowra, Ghutupahri, P.S.- Pasta, Police Chowki, Dowra, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station- Pasta, Police Chowki- Dowra, District- Balrampur-Ramanujganj, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Chitendra Singh, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/05/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 01/2018 registered at Police Station Pasta, Police Chowki Dowra, District Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 366, 376(2)(N) of Indian Penal Code.
2. The present applicant is in jail since 02.01.2018 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the case of prosecution is that on the pretext of marriage the present applicant is said to have maintained a physical relationship with the prosecutrix for a considerable period of time and in between she is also got conceived from the said relationship and on some medicine being provided by the present applicant, she underwent abortion. Finally, the present applicant is said to have refused to marry the prosecutrix and in turn it is learnt that the present applicant was marrying some other person, which led to the filing of the F.I.R.

4. The counsel for the applicant submits that the plain reading of the statement of the prosecutrix itself would reveal that even if the entire version is accepted as it is, it is a clear case of consensual relationship between the two. That the prosecutrix had physical relationship with the present applicant since the year 2015 onwards and at no point of time during this period did the prosecutrix ever raise any objection or put any condition whatsoever.
5. The State counsel however opposes the bail application on the ground that the nature of offence committed by the applicant is quite serious and it is a case where the present applicant on the pretext of marriage is said to have ravished the prosecutrix for a considerable period of time and thereafter the present applicant ditched the prosecutrix and in turn has decided to marry someone else.
6. Having heard the contentions put forth on either side and on perusal of the record, particularly taking note of the statement of the prosecutrix, the age of the prosecutrix and duration in which the prosecutrix and the applicant had the relationship, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the applicant shall 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge