

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3491 of 2018**

Ram Prasad S/o Amar Singh, Aged About 24 Years, R/o-
Mongora, Police Station Khadgawan, District- Koriya, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through- Station House Officer, Police
Station Khadgawan, District- Koriya, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pawan Shrivastava, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10/08/2018**

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 16.03.2018 in connection with Crime No. 178/2015 registered at Police Station- Khadgawan, District Koriya (CG) for the offence punishable under Section 376 of IPC.

2. The allegation against the present applicant as per the prosecution is that the applicant on the pretext of marriage is said to have exploited the prosecutrix and had physical relationship with her for a considerable period of time and finally ditched her by marrying a different lady.

3. Counsel for the applicant submits that the prosecutrix herself in between got married with a different person and as per the deposition of the mother of the prosecutrix, she has got conceived from the said marriage. Counsel for the applicant submits that he has instruction that

the prosecutrix has delivered a baby child from the subsequent marriage. He further submits that father and mother of the prosecutrix have been examined before the trial Court and both of them have not supported the case of the prosecution and with the said evidence there is no likelihood that the prosecutrix also would support the case of the prosecution. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposes the bail application.

5. Considering the facts and circumstances of the case, particularly taking note of the statement of the prosecutrix and comparing the same with the evidence of father and mother of the prosecutrix, this Court is of the prima facie view that there appears to have been a consensual relationship between the applicant and the prosecutrix for a considerable long time and in between they had cohabited as husband and wife for a long time without any sort of force and compulsion on the part of the present applicant.

6. Given the aforesaid facts, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

7. 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