

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3412 of 2018**

Bhupat Verma, S/o. Yudhistir Verma, Aged about 26 years, R/o. Village Koliha, Police Chowki Lawan, Police Station Kasdol, District (Revenue and Civil) Balodabazar-Bhatapara, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through Police Chowki Lawan, Police Station Kasdol, District (Revenue and Civil) Balodabazar-Bhatapara, Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Sanjeev Das, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/06/2018**

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. 150/2018 registered at Police Chowki Lawan, Police Station Kasdol, District (Revenue and Civil) Balodabazar-Bhatapara, Chhattisgarh for the offence punishable under Sections 376, 506 of the Indian Penal Code.
2. The present applicant is in jail since 02.04.2018 in connection with the aforesaid Crime number.
3. The allegation as per the prosecution case against the present applicant is that on the pretext of marriage, the present applicant is said to have ravished the prosecutrix and finally refused to marry her.
4. Counsel for the applicant submits that plain reading of the statement of the prosecution by itself would reveal that it is a clear case of

consensual relationship between the two and that the prosecutrix being a major married lady, the question of marrying again did not arise at all and therefore in the given facts the applicant deserves to be released on bail.

5. The State counsel however opposing the bail application submits that it is a case where on the pretext of marriage the applicant is said to have had physical relationship with the prosecutrix for a considerable period of time and ultimately refused to marry her and therefore he does not deserves to be released on bail .
6. Considering the age of the prosecutrix the fact that she was already a married lady and the fact that the statement of the prosecutrix revealing her voluntarily going along with the applicant and having physical relationship repeatedly shows it to be a prima case of consensual relationship. For all the aforesaid reasons, 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