

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3418 of 2018**

Jitendra Nath Tripathi S/o Dhanesh Nath Tripathi Aged About 22 Years
R/o- Khadgawan, P.S. Khadgawan, Civil And Revenue District- Koriya,
Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through- Police Station- Khadgawan, Civil And
Revenue District- Koriya, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Adil Minhaj, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

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. 40/2018 registered at Police Station Khadgawan, Civil and Revenue District Koriya, Chhattisgarh for the offence punishable under Sections 376(2) and 313 of the Indian Penal Code.
2. The present applicant is in jail since 20.03.2018 in connection with the aforesaid Crime number.
3. The allegation as per the prosecution case against the present applicant is that the present applicant is said to have on the pretext of marriage had maintained physical relationship with the prosecutrix for long and thereafter the present applicant is said to have refused to marry her, which led to the filing of the complaint.
4. The counsel for the applicant submits that the plain reading of the statement of the prosecutrix itself would reveal that firstly she is a

person who is older in age than the present applicant. He further submits that the statements also reveals that both the parties had a consensual relationship and that there was no element of any sort of coercion, pressure or force put by the present applicant for having the physical relationship. The counsel for the applicant further submits that the statement also shows that the complaint was lodged only when the present applicant refused to marry her. So far as the allegation of the present applicant subjecting the prosecutrix to undergo an abortion is not established by the prosecution, neither is there any medical evidence available with the prosecution to substantiate this aspect and thus prayed for the applicant to be released on bail.

5. The State counsel on the contrary opposing the bail application submits that it is a case where the present applicant is said to have assured the prosecutrix of marrying her and in the process had physical relationship and having exploited the prosecutrix for a considerable period of time, ultimately the applicant is said to have refused to marry her. Thus the applicant does not deserve to be released on bail.
6. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the statement of the prosecutrix, the age of the prosecutrix and the applicant and the nature of allegation, 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

Ved