

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MISC. CRIMINAL CASE NO. 5709 OF 2018**

Shailendra Kumar Dhruw, S/o Lacchu Ram Dhruw, aged about 32 years,
R/o M.G. Ward, Kanker, P.S.- Kanker, District Kanker (CG)

... Applicant**versus**

State of Chhattisgarh, through : the State House Officer, Police Station-
Kanker, District- North Bastar Kanker (CG)

... Respondent

For Applicant	:	Mr. Manoj Mishra, Advocate.
For Respondent	:	Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****31/08/2018**

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 23.7.2018 in connection with Crime No. 121/2018 registered at Police Station- Kanker, District North Bastar Kanker, for the offence punishable under Sections 376, 506 of IPC.
2. Case of the prosecution against the Applicant is that the Applicant on the pretext of marriage is said to have maintained physical relationship with the Prosecutrix on numerous occasions and finally refused to marry her, which led to the filing of the FIR.
3. Learned Counsel for the Applicant submits that it is a case where it clearly reflects that there was some sort of love affair between the Applicant and the Prosecutrix and when things did not go smooth, the Prosecutrix is said to have lodged the FIR against the Applicant. The Counsel further submits that the Prosecutrix is an educated major lady of more than 23 years old and therefore the question of exploiting her does not arise and there was a consensual relationship between the two. He thus prayed for grant of bail to the Applicant.

4. Learned Counsel for the State however opposing the bail application submits that it is a case where the Applicant on the pretext of marriage is said to have ravished the Prosecutrix initially and thereafter had physical relationship with her for a considerable period of time and ultimately refused to marry her and therefore the Applicant is not entitled to be released on bail.

5. Considering the entire facts and circumstances of the case, particularly taking note of the statement of the Prosecutrix under Section 164, it clearly reflects that the Prosecutrix is an educated major lady of more than 23 years of age and she had willingly made physical relationship with the Applicant on numerous occasions also forces this Court to reach to the conclusion that there must have been a consensual relationship with the two. Hence, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed by the Trial Court.

Sd/-
(P. Sam Koshy)
Judge