

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 7571 of 2018**

Umesh Koliyara S/o Shri T. R. Koliyara, Aged About 28 Years, Caste Halba, R/o Bakharupara, Narayanpur, District - Narayanpur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Narayanpur, District - Narayanpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Mukesh Shrivastava, Advocate
For Respondent/State	:	Shri D. Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29/10/2018**

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 25.09.2018 in connection with Crime No. 55/2016 registered at Police Station- Narayanpur, District Narayanpur (CG) for the offence punishable under Section 376 of IPC and Section 6 of POCSO Act.

2. The allegation against the present applicant as per the prosecution is that the applicant on the pretext of marriage is said to have had physical relationship with the prosecutrix for a considerable period of time and subsequently when the prosecutrix came to know that the applicant has decided to marry somebody else, she was forced to file the present FIR.

3. Counsel for the applicant submits that the prosecutrix here is a

major lady and that from perusal of the statement recorded during the course of investigation it would clearly reflect that there was a consensual relationship between the two. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that the statement of the prosecutrix clearly reveals the manner in which the prosecutrix was compelled to have physical relationship with the applicant and that on the garb of marriage, the present applicant had physical relationship with the prosecutrix for a considerable period of time and finally ditched the prosecutrix and decided to marry someone else which led to the filing of the FIR. Thus, prayed for rejection of the bail application.

5. Considering the entire statement of the prosecutrix, particularly the statement recorded under Section 164 of CrPC, prima facie, it appears that the applicant has ravished the prosecutrix on the false pretext of marriage and had physical relationship with her for a considerable long period and finally ditched the prosecutrix and went on to marry a third person.

6. Given the facts and circumstances of the case, this Court is not inclined to grant bail to the applicant. Accordingly, the application for grant of bail stands rejected.

**Sd/-
(P. Sam Koshy)
Judge**