

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7690 of 2018**

Rakesh Kumar Tandiya, S/o Mr. Pardeshi Ram Tandiya, Aged About 28 Years, R/o Singhrai, Makdi, Police Station- Kanker, District- Kanker (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Police Station- Narayanpur, District- Narayanpur (C.G.)

---- Respondent

For Applicant : Mr. Raza Ali, Advocate.

For State : Mr. Vivek Sharma, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

01/11/2018

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 19.05.2018 in connection with Crime No. 72/2018 registered at Police Station- Narayanpur, District- Narayanpur (C.G.), for the offence punishable under Section 376 & 506 of IPC.
2. As per case of the prosecution, the applicant committed sexual intercourse with the prosecutrix on promise of marry with her, but he did not marry that is why report was lodged on 17.05.2018.
3. Learned counsel for the applicant submits that the prosecutrix is a major aged about 23 years and she made physical relation with the present applicant since year 2016 and after two years, report was lodged. It is case of consent and no

offence is made out against the present applicant, therefore, he may be enlarged on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.
5. Looking to the fact that the prosecutrix is admittedly major and she maintained relation with the applicant for two years, without further commenting on merits of the case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Judge