

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8124 of 2018

Vinay Dhiwar S/o Chandrika Prasad Dhiwar Aged About 31 Years R/o Village Girjaband, Nawagaon, P. S. Ratanpur, Tehsil Kota District Bilaspur Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh Through P. S. Bango, District Korba Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Pushkar Sinha, Advocate.
For the Respondent	:	Mr. D. R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.11.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 102/2013 registered at Police Station Bango, Distt. Korba (C.G) for the offences punishable under Sections 376 of IPC.
2. As per the prosecution case, on 23.09.2013, a report was lodged that while the prosecutrix was staying in her house, the applicant prior to two years came in contact with her, fell in love relation and on the pretext of marriage sexually exploited her. Subsequently she travelled with the applicant to different places and eventually after sexually exploiting the prosecutrix, the applicant has refused to marry.
3. Learned counsel for the applicant submits that the prosecutrix was consenting party and a major lady. He further submits that the prosecutrix herself had travelled to different places along-with the applicant and stayed with him for a considerable time, therefore, no case is made out u/s

376 of IPC.

4. Per contra, learned State Counsel opposes the bail application. .
5. Perused the statements of the prosecutrix. It appears that she was in the Company of the applicant for a considerable period of time and travelled to different places along-with the applicant and stayed with him.
6. Considering the statement of the prosecutrix who is stated to be major, without any observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

Sd/

**GOUTAM BHADURI
JUDGE**