

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8554 of 2018**

Mithlesh Kumar Patel, aged about 30 years S/o Late Nandkumar Patel, R/o RDA Colony, Near Nootan School, Raipur, Police Station Tikrapara, District Raipur (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Adim Jati Kalyan, (Ajak) (C.G.).

---- Respondent

For Applicant	:	Mr. C.R. Sahu, Advocate
For Respondent	:	Ms. Smita Ghai, PL
For Objector	:	Mr. Surendra Kumar Dewangan, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**27/11/2018**

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 03/2018 registered at Police Station Adim Jati Kalyan Thana, Raipur, District Raipur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 3 (2) (v) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. In this case, the Prosecutrix is a major lady aged about 31 years. On 15/09/2018, a report was made by her stating therein that in the year 2011 she was aged about 25 years and was undergoing nurse training. At that time, she along with other trainee had gone to Manalii tour. The Applicant was also with them. During this period, the

Prosecutrix acquainted with the Applicant and they started talking with each other and also used to meet each other. It is further alleged that both have visited several places. During this period, the Applicant by alluring to get marry with her, made physical relation with her. Their relationship continued up to the year 2017. In the year 2018, the Applicant refused to marry with her. Thereafter, a report was made by the Prosecutrix. On the basis of said report, offence has been registered and the Applicant has been taken into custody on 16/10/2018.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated. He further submits that the statement of the Prosecutrix itself shows that she was major lady at the relevant time and there was love relation between them. From the act of the Prosecutrix it seems that she was the consenting party. The incident happened in the year 2011 and the report was made in the year 2018, therefore, no case is made out against the Applicant. He prays that the Applicant may be granted benefit of bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. Counsel for the Objector also opposes the bail application and the submission made by the counsel for the Applicant.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that there was love relation between the Applicant and the Prosecutrix, the Applicant is in custody since 16/10/2018 and trial will

likely to take time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.

8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul