

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2348 of 2019

- Babloo Singh S/o Arun Singh Aged About 27 Years Caste - Gond, R/o Village Parmeshwarpur, Chhindikhandipara, Police Station Ramanujnagar, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baikunthpur, District Korla Chhattisgarh.

---- Respondent

For Applicant	: Shri Sachin Singh Rajput, Advocate.
For Respondent/State	: Shri VK Agrawal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

30/04/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 34/2019, registered at Police Station – Baikunthpur, District- Korla (C.G.) for the offence punishable under Sections 363, 376 & 323 of the IPC.
2. In this case, age of the prosecutrix is about 24 years. As per prosecution story, it is alleged that on 11.02.2019, when the prosecutrix was going to her college and waiting for a bus, at that time the applicant reached there and asked her to lift in his motorcycle, upon which, the prosecutrix lifted in motorcycle of the Applicant, who took her Nag Ghat Jungle, where he committed forcefully sexual intercourse with her. The matter was reported in police station by the prosecutrix herself. On the basis of said report, offence has been registered against the applicant and he has been taken in custody on 13.02.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the present case. The prosecutrix is a major lady, there was a love relationship between the Applicant and the prosecutrix. On 19.12.2016, the prosecutrix and the Applicant have executed an agreement, in which, it is specifically mentioned that they have love relationship with each other and they have performed marriage in front of god and also they will perform marriage as per custom in future. Physical relationship has been developed between them with the consent of the prosecutrix. He further submits that since, the prosecutrix is a consenting party, therefore, *prima facie* no offence can be made out against the Applicant. The Applicant is in custody since 13.02.2019 and trial is likely to take some time. Therefore, the Applicant may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that on perusal of agreement dated 19.12.2016, it shows that the prosecutrix is a consenting party, the Applicant is in custody since 09.01.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. 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 solvent 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