

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3439 of 2019**

- Anuj Ekka S/o Tej Kumar Ekka, Aged About 25 Years, R/o Village Baraud, P. S. Gharghoda, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Gharghoda, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

**----Non-applicant**

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For Applicant – Shri Keshav Prasad Gupta, Advocate.

For Non-applicant – Shri Aditya Sharma, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**03-07-2019**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 26-04-2019 in connection with Crime No.79/2019, registered at Police Station Gharghoda, District Raigarh, Chhattisgarh for offence under Section 376 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant for commission of offence of rape. The prosecutrix in her statement under Section 164 of the Cr.P.C. made it clear, that her relation with the applicant was on consensual basis. The only reason for lodging the FIR is this, that the applicant has refused to marry the prosecutrix. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the non-applicant/State opposes the application and submits that the applicant has by deceit obtained consent of the prosecutrix that he will marry her, therefore, such consent was not free. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix was engaged as attendant for the ailing father of the applicant in the year 2015, since then the applicant on the pretext that he will marry the prosecutrix has exploited her sexually till the date the FIR was lodged in February 2019. The prosecutrix was carrying pregnancy of 17 weeks on the date she lodged the FIR for the reason that the applicant has refused to marry her and also has threatened her.
6. Considered on the entire material present in the case diary and the fact that the prosecutrix is aged about 30 years and the relation of the applicant and the prosecutrix was continued for about 4 years, hence, on this basis I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**