

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4767 of 2019**

- Vinay Paikra S/o Tilak Sai Aged About 22 Years Caste - Kanwar, R/o Faradbahar, Police Station - Tumla, District – Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Tumla, District – Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Manoj Chouhan, Advocate.
For Respondent/State	: Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**20/08/2019**

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. 35/2019, registered at Police Station – Tumla, District- Jashpur, Chhattisgarh, for the offence punishable under Sections 506, 376 of the IPC.
2. As per the prosecution story, age of the prosecutrix at the time of lodging F.I.R. was about 26 years. On 13.06.2019, she made a written complaint before the police station alleging therein that from 28.07.2016, on the pretext of marriage present Applicant has been continuously committing sexual intercourse with her. Thereafter, present Applicant refused to marry her. On the basis of the written report, offence has been registered against the Applicant and he has been taken into custody on 05.07.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He also states that there was a love relationship between the Applicant

and prosecutrix and due to that they were living as husband and wife for quite some time. If the entire story of the prosecution is taken as it is, prosecutrix seems to be a consenting party in the alleged act. Since, she is a major lady, therefore, *prima facie*, no offence under Section 376 of the IPC can be made out against the Applicant. Applicant is in custody since 05.07.2019 and trial is likely to take some time. Therefore, he 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 Applicant is in custody since 05.07.2019 and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release him 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge