

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3274 of 2020

Rajesh Kori S/o Chandrashekhar Kori Aged About 27 Years R/o Nutan Colony, Friends Colony P.S. Sarkanda District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Sarkanda District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ravindra Sharma, Advocate
For State	:	Shri Sudeep Agrawal, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No. 471/2020 registered in Police Station -Sarkanda, District- Bilaspur (CG) for alleged commission of offence under Section 376 IPC.
2. Case of the prosecution, in brief, is that the applicant entered into relationship with the prosecutrix and since 2017, on the false pretext of marriage, without her consent, he developed sexual relationship with her and kept on sexually exploiting the prosecutrix.
3. Learned counsel for the applicant would submit that the contents of the FIR and what has been stated by the prosecutrix in her statement under Section 164 Cr.P.C. before the Magistrate, shows that the applicant and prosecutrix, both major, were having 'live in relationship' for last 3 years and there was a break also in the relationship which was again resumed but ultimately, the relationship could not be materialized in marriage. It is

only when the prosecutrix found that marriage was not taking place, she has lodged report. Therefore, it is argued, it is not a case of rape. Learned counsel for the applicant submits the investigation is complete and charge sheet has been filed. He submits that the applicant is not likely to abscond or tamper with the prosecution witnesses, therefore, at this stage, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that from the contents of FIR and 164 Cr.P.C. statement of the prosecutrix, it is prima facie revealed that the applicant was having relationship on false pretext of marriage because later on when the prosecutrix wanted to marry, the applicant assured her not to contact marriage with any other person. After resumption of relationship, the prosecutrix came to know after some time that applicant is going to perform marriage with other lady and when prosecutrix insisted for marriage, applicant denied saying that he has no intention of marriage but only to enjoy sexual relationship.
5. I have considered the submissions made by learned counsel for the parties. Upon consideration of the statement given by the prosecutrix and the contents of FIR, on prosecutrix's own saying, the applicant and prosecutrix were having live in relationship since 2017 and at one point of time, the prosecutrix had broken her relationship which was later on resumed. The allegation is that when the prosecutrix came to know that applicant is not interested in marriage and is trying to marry another lady, FIR was lodged. Considering the aforesaid material, looking to the longstanding relationship between the applicant and the prosecutrix, both being major, charge sheet having already been filed, I am inclined to release the applicant on bail.
6. The application is accordingly 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen