

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3830 of 2020**

- Kishok Verma S/o Late Ram Nath Verma Aged About 19 Years R/o Village Nandiya, Police Station Gandai, District Rajnandgaon, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- The District Magistrate Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Raghvendra Pradhan, Advocate.
For State	:	Ms. Fouzia Mirza, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/08/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.65/2020 registered at Police Station- Gandai, District-Rajnandgaon, C.G. for the alleged commission of offence under Sections 376 & 506 of IPC.
2. Prosecution case is that the applicant since long sexually exploited the prosecutrix and later on, when marriage of the prosecutrix was fixed and she was engaged, even at that time, applicant kept exploiting her on threat that if she discloses, engagement will be broken and he will not allow her marriage to take place.
3. Learned counsel for the applicant submits that the FIR lodged by the prosecutrix, taken as it is, itself reveals that applicant and prosecutrix were having long standing love affair and the sexual relationship of more than one and half years. He would submit that now the prosecutrix wants to get rid of the applicant and therefore, she started making allegations of rape against the applicant and FIR has been lodged as late as on 25.04.2020. According to the learned counsel for the applicant, applicant is having affair with the prosecutrix and he is willing to marry her.

4. On the other hand, learned State Counsel opposes and submits that though the prosecutrix has stated that she had an affair with the applicant and they had entered into sexual relationship out of their love, but later on, applicant started exploiting her and against her wishes and without her consent, kept on committing sexual intercourse therefore all subsequent sexual intercourses cannot be said to have been done with free consent of the prosecutrix.
5. Taking into consideration the submissions of learned counsel for the parties, contents of the FIR and statement of prosecutrix, prima facie, it appears that the applicant and the prosecutrix were having long standing affair and they were also having sexual relationship. The FIR has been lodged on 25.04.2020 alleging that later on the prosecutrix did not want the relation to continue with the applicant and she was willing to marry with some other person and not the present applicant. In view of the above, present is a fit case for grant of bail.
6. Accordingly, the bail application is 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 one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge