

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4206 of 2020**

- Ajeet Thakur, S/o Shri Radha Mohan Thakur, Aged About 30 Years R/o Village - Baskepi, Chowki - Ganeshmodh, Police Station Balrampur, District - Balrampur Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh, Through, Station House Officer Surajpur, District - Surajpur Chhattisgarh

**---- Respondent**


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| For Applicant/s | : | Mr. Surfaraj Khan, Advocate.     |
| For State       | : | Mr. Alok Bakshi, Additional A.G. |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****31/08/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.77/2020 registered at Police Station-Surajpur, District - Surajpur, C.G. for the alleged commission of offence under Sections 366 & 506 (subsequently added) of IPC.
2. Prosecution case is that the applicant committed rape on the prosecutrix on the false pretext of marriage between the period from 02.02.2019 to 12.02.2020.
3. Learned counsel for the applicant submits that the bare reading of the FIR and case diary statement as well as statement recorded under Section 164 Cr.P.C. of the prosecutrix shows that the prosecutrix was having affair and consensual sex with the applicant and when on 02.02.2020, it was disclosed and the wife of the applicant called the prosecutrix making allegation of illicit relation and taking appropriate action, report was lodged in the police station. It is submitted that the story of false pretext is wholly improbable because prosecutrix and applicant both are married and this fact was fully known to each other as they were related to each other, according to the version of the

prosecutrix herself.

4. On the other hand, learned State Counsel opposes and submits that in view of what has been stated by the prosecutrix in FIR, case diary statement and statement under Section 164 Cr.P.C. given before the Magistrate, the applicant was sexually exploiting the prosecutrix by stating that he would marry and finally he refused.
5. On *prima facie* consideration, it is revealed that the prosecutrix is a major and married lady, was having sexual relation and affair with the present applicant since 02.01.2019 and the written report has been lodged as late as on 13.02.2020. Moreover, her diary statement also shows that on 02.02.2020, wife of the applicant made a call from which the prosecutrix came to know that the relationship of prosecutrix and applicant was known to applicant's wife. The written report and FIR was subsequent to that. Therefore, considering the aforesaid material and circumstances, the argument of the learned counsel for the applicant that present is a case of consensual sexual intercourse cannot be ruled out and has considerable force. As investigation is complete, charge sheet has been filed and that the applicant is in jail since 14.02.2020, present is a fit case for grant of bail to the applicant.
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**