

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4603 of 2020

Tarun Baghel S/o Goncharam Baghel Aged About 26 Years, R/o Village-
Rampal Khalepara, P.S.- Bastar District- Bastar Chhattisgarh, District :
Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Bastar, District- Bastar
Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri P.K. Tulsyan, Advocate
For State	:	Shri Alok Bakshi, Addl. Advocate, General

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

Order On Board

21/09/2020

Heard.

1. The applicant has been arrested in connection with Crime No.52/2020 registered in Police Station -Bastar, District- Bastar (CG) for alleged commission of offence under Section 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant entered into love affair with the prosecutrix since December 2016 and on false pretext of marriage, committed sexual intercourse and thereby committed rape and then did not marry the prosecutrix and left her.
3. Learned counsel for the applicant would submit that even according to prosecutrix's written report, FIR and statement under Section 164 Cr.P.C., the applicant and the prosecutrix had a longstanding affair and it is only when it could not materialize that the FIR was lodged in the police station on 13.3.2020. It is next submitted that as on the date of lodging of FIR, the

prosecutrix was major and there is no clear statement nor medical evidence to show that the sexual intercourse was committed prior to three years of lodging of report, the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that in the written report, FIR and statement under Section 164 Cr.P.C., the prosecutrix has stated that the applicant and the prosecutrix had longstanding affair and since December 2016, the prosecutrix was being subject to sexual intercourse and exploitation on the assurance of marriage, but, later on, the applicant denied the relationship even though the prosecutrix had become pregnant and left her in lurch.
5. I have heard learned counsel for the parties. On prima facie considerations, at the time of lodging FIR, the prosecutrix was major in age. Her date of birth is said to be 1.1.1999 and according to the prosecutrix, the relationship is said to have started in December 2016. The report has been lodged in the month of March 2020 when the relationship between the prosecutrix and the applicant came to an end and marriage did not materialize. Therefore, considering the aforesaid material and the period during which the applicant and prosecutrix remained in relationship and the point of time when the FIR was lodged, charge sheet having already been filed and the applicant is in jail since 15.3.2020 and further that there is nothing to show that he is likely to tamper with prosecution witnesses or abscond, I am inclined to allow the application.
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 one local surety 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