

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5063 of 2020**

- Arun Sinha S/o Kunj Lal Sinha Aged About 20 Years R/o Village Boirgaon, Police Station Khallari, District Mahasamund Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer Police Station Ganj, District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Shri J. K. Gupta, Advocate
For State	:	Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/10/2020**

1. Heard on application for grant of bail.
2. The applicant has been arrested on 04.07.2020, on the allegation of having committed offence under Section 376 of I.P.C. He moved this application for grant of bail in connection with Crime No.86/2020 registered at Police Station- Ganj, District- Raipur, Chhattisgarh.
3. Prosecution case is that the applicant has made sexual relation with the prosecutrix on false pretext of marriage and established sexual relation with the prosecutrix for long period, during which the prosecutrix became pregnant, thereafter, on the compulsion of parents the applicant left the prosecutrix.
4. Learned counsel for the applicant would argue that as per F.I.R. and 164 CrPC statement of the prosecutrix, they were live in relation since October, 2019 and later on, the applicant was compelled by his parents to leave the prosecutrix otherwise mother of the applicant will commit suicide, therefore, no offence of rape is made out against the present applicant.

5. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that the prosecutrix's consent for the relationship and also for sexual intercourse, was obtained by the applicant on false pretext of marriage and as a result of this, the prosecutrix became pregnant. The applicant left her and did not make any contact again, therefore, case is made out against the applicant.
6. I have heard learned counsel for the parties and on prima facie consideration, from the FIR and 164 CrPC statement of the prosecutrix, it is seen that the applicant and the prosecutrix were living together in live in relation since October, 2019 and eventually prosecutrix became pregnant. The F.I.R. itself shows that the applicant was compelled to leave the prosecutrix and the applicant did not make contact to the prosecutrix. It is also considered that the prosecutrix is major and the applicant is in jail since 04.07.2020, taking into consideration the facts and circumstances of the case and that the investigation is complete, charge-sheet has been filed, it is a fit case for grant of bail.
7. 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/- with two local sureties for 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) The applicant shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge