

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5751 of 2020

Sanjay Kumar Negi S/o Shri Sukaloram Nareti Aged About 22 Years By Caste Gond, R/o Village - Bhanbeda, Thana And Tehsil - Bhanupratappur, Civil And Revenue District North Bastar Kanker, Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kanker, District North Bastar Kanker, Chhattisgarh ---- **Respondent**

For Applicant	:	Shri Sunil Sahu, Advocate
For Respondent/State	:	Shri Gagan Tiwari, Dy. G.A.

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

Order On Board

12/10/2020

Heard.

1. The applicant has been arrested in connection with Crime No.266 of 2019 registered at Police Station-Kanker, District North Bastar Kanker CG for the alleged commission of offence under Section 376, 506 of IPC.
2. Case of the prosecution is that the applicant kept on sexually exploited the prosecutrix on the false pretext of marriage and thereafter, when she became pregnant, the applicant refused to fulfill his promise of marriage with the prosecutrix.
3. Learned counsel for the applicant argues that the prosecutrix is a major girl and present is a case of consent. Even according to the prosecutrix, the applicant and prosecutrix had a long standing live-in relationship and it is only when later on, certain disputes arose, FIR has been lodged.
4. On the other hand, learned State counsel opposes the prayer and submits that even though the prosecutrix has stated regarding long standing affair with the applicant, the applicant sexually exploited her on false pretext of marriage, therefore, consent of sexual intercourse cannot be said to be free consent.
5. Having considered the submission of learned counsel for the parties and material on record, even according to the prosecutrix, she is a major lady and was having long standing affair with the applicant. The occasion to file FIR arose when

because of the relations between the parties, the prosecutrix became pregnant and the applicant did not proceed to marry her and that the applicant has also placed on record affidavit of the prosecutrix which was shown on 14.06.2019, in which, she has admitted that she is the wife of the applicant. The prosecutrix in her statement has also referred to this affidavit. Therefore, present is a fit case for grant of bail to the applicant. Accordingly, the bail application is allowed.

6. 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.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge