

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1149 of 2020**

- Arun Kumar S/o Niranjan Painkra Aged About 25 Years Occupation Agriculture Business, Caste Kanwar, R/o Salakhiya, Police Station And Tahsil Lailunga, District Raigarh Chhattisgarh.,

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station In Charge, Police Station Lailunga, District Raigarh Chhattisgarh. **---- Respondent**

For Applicant	:	Mr. Anuroop Panda, Advocate.
For State	:	Mrs. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board**15-12-2020**

1. Heard.
2. The applicant is apprehending his arrest in connection with Crime No. 136 of 2017 registered at police station– Lailunga, District Raigarh (C.G.) for alleged commission of offence under Sections 294, 323 and 376 of I.P.C.
3. Case of the prosecution, in brief, is that on false pretext of marriage the applicant had sexually exploited the prosecutrix for a long time on account of which she became pregnant. It is alleged that when the prosecutrix informed the applicant about her pregnancy, the applicant insisted her to get pregnancy aborted instead of agreeing for marriage.

4. Learned counsel for the applicant would submit that even according to contents of the FIR lodged by the prosecutrix, the applicant and prosecutrix had long standing love affair for about six months and the prosecutrix lodged a report against the applicant only when she became pregnant. He would further submit that in the circumstances, when the prosecutrix is a major, the allegation of rape is not made out.
5. On the other hand, learned counsel for the State opposed the bail application by submitting that though the prosecutrix stated regarding her love affair and sexual relationship with the applicant, she has also stated that all it was done as prosecutrix consented because of pretext of marriage with the applicant, but when she became pregnant, the applicant instead of going for marriage, insisted her to get pregnancy aborted, therefore she lodged the report in Police Station, therefore, sexual act is not done with the consent, but it was on the false pretext of marriage.
6. On prima facie consideration, it is apparent that the applicant and prosecutrix had long standing love affair for about six months and the FIR was lodged when the prosecutrix became pregnant. It is not a case where at the very first instance of sexual relationship, prosecutrix filed a report in Police Station. Exposure of relationship when prosecutrix became pregnant appears to be occasion to lodge FIR. Therefore, present is a fit case for grant of anticipatory bail.
7. Accordingly, the bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he 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 arresting officer and the applicant shall abide by all the following terms and conditions -

(I) that the applicant shall make himself available for interrogation by a Police Officer as and when required;

(ii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Raju