

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5781 of 2020

Guddu Ram S/o Late Budhan, Aged About 30 Years R/o Village Ghaghra, P.S. Pasta, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through The Station House Officer, Police Station Pasta, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Satish Gupta, Advocate
For State	:	Shri Gagan Tiwari, Dy. Govt. Advocate

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

Order On Board

12/10/2020

Heard.

1. The applicant is arrested in connection with Crime No.38/2020 registered in Police Station -Pasta, District -Balrampur Ramanujganj (CG) for alleged commission of offence under Sections 376 (2) (n), 450 and 506-B IPC.
2. Case of the prosecution, in brief, is that the applicant sexually exploited the prosecutrix for more than three years on the false pretext of marriage and thereby committed rape on her so much so that the prosecutrix finally became pregnant, whereafter, the applicant disowned her.
3. Learned counsel for the applicant would submit that on the face of the report lodged by the prosecutrix as also her statement under Sections 161 & 164 Cr.P.C., it is clearly borne out that the prosecutrix, a major and married lady, was having illicit relationship with the applicant for last 3-4 years and it is only after she became pregnant that she started making allegation and

lodging FIR, therefore, no case is made out against the applicant.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the prosecutrix has clearly stated that the applicant frequently used to visit the prosecutrix in the night and raped her against her wishes.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the prosecutrix was having sexual relationship with the applicant for more than three years, present appears to be a fit case for grant of bail.
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 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.

Sd/-
(Manindra Mohan Shrivastava)
Judge