

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5861 of 2020

- Jay Singh Son Of Budhawar Singh Binjhvaar, Aged About 22 Years Residence Of Village Uchlainga, Chauki Morga, Thana Bango, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Chauki Morga, Police Station Bango, District : Korba, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Vikash Pandey, Advocate.
For State	:	Mr. Alok Bakshi, Additional A.G.

Hon'ble Shri Justice Manindra Mohan ShrivastavaOrder On Board06/11/2020

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.33/2020 registered at Police Station-Bango, District - Korba, C.G. for the alleged commission of offence under Sections 376 of IPC.
2. Prosecution case is that the applicant committed rape on the prosecutrix on the false pretext of marriage. After prosecutrix became pregnant, the applicant refused to marry.
3. Learned counsel for the applicant would submit that the contents of the FIR lodged on 21.04.2020, read as it is, do not make a *prima facie* case. He would submit that merely because marriage could not be materialised, it cannot be said that the applicant is involved in rape because prosecutrix is 30 years of age and had been engaged with the applicant since one year prior to the date of lodging of FIR and during that period, they had repeated sexual intercourse.
4. On the other hand, learned State Counsel opposes and submits that though the prosecutrix has stated that the applicant and the prosecutrix had

consensual sexual relationship, it was on false pretext of marriage, therefore, it would not be a case of free consent and a *prima facie* case of rape would be made out.

5. Taking into consideration the submissions of learned counsel for the parties, further taking into consideration the contents of the FIR and that the FIR has been lodged one year after prolong sexual relation, only after the prosecutrix became pregnant and that investigation is complete, charge sheet has been, at this stage, present is a fit case for grant of bail to the applicant.
6. 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/- along with two local sureties of 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) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge