

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 6667 of 2020

Pankaj Gupta S/o Hiralal Gupta Aged About 37 Years R/o Village Kerta Police Station
And Tahsil Pratappur District Surajpur Chhattisgarh --- **Applicant**

Versus

State of Chhattisgarh through, Station House Officer, Police Station - City Kotwali
Ambikapur Sarguja, Chhattisgarh --- **Respondent**

16.12.2020	Mr. Awadh Tripathi, counsel for the petitioner. Madam Sunita Jain, Govt. Advocate, for the State. This is first bail application filed u/s 439 of the Code of Criminal Procedure for the Crime No.480 of 2020 registered at Police Station City Kotwali Ambikapur (C.G) for the offence punishable u/s 363, 376(2)(n) of IPC. Learned counsel for the applicant submits that the prosecutrix was in know of the fact that the applicant is married and thereafter she was in his company as such she was a consenting party. Learned state counsel opposes the bail application. Perused the statement of prosecutrix. A perusal of her statement would show that the consent was obtained on the promise of marriage and the relationship was developed on such promise. Therefore, under the circumstances, it cannot be stated that there was a free consent at this stage. Accordingly, this bail application is rejected. Sd/- GOUTAM BHADURI JUDGE	
Rao		