

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7690 of 2020**

- Durgesh Singh Thakur S/o Shri Devi Singh Thakur Aged About 26 Years R/o Prem Nagar, Murra Bhatti, Police Station Gudhiyari , Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Gudhiyari Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sachidanand Yadav, Advocate.
For State	:	Mrs. Hamida Siddiqui, Dy.A.G.
For Objector	:	Mr. Rohitastava Singh, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****15-12-2020**

1. Heard
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in custody in connection with Crime No. 160 of 2020 registered in Police Station-Gudhiyari, Raipur, District Raipur (CG) for alleged commission of offence under Section 376 of IPC.
3. Case of the prosecution, in brief, is that the applicant entered into love affair with prosecutrix in the year 2014 and he gave assurance of marriage and on such assurance prosecutrix accepted and participated in sexual affair since May 2016 and since then the applicant has been maintaining relationship with prosecutrix on the assurance of marriage but has not performed marriage which

shows that the assurance given by the applicant was false right from the beginning.

4. Learned counsel for the applicant would submit that the applicant has been arrested only on the basis of FIR lodged against him. According to the prosecution, the applicant and the prosecutrix have been in relationship for the last six years., present is an apparent case of consent between the applicant and the prosecutrix. He would argue that due to some disputes marriage could not be performed, therefore, FIR was lodged. He further submits that the applicant is in jail since 19-9-2020 and charge sheet has been filed, therefore, the applicant may be granted bail.
5. On the other hand, learned counsel for the State as also counsel for the objector opposed the bail application by submitting that consent of the prosecutrix was obtained on the false pretext of marriage, therefore, it cannot be said to be a case of free consent and till date the applicant is avoiding to marry the prosecutrix which prima facie shows that the assurance given by the applicant was false right from the beginning.
6. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the report lodged by the prosecutrix wherein it is stated that she and applicant are in relationship since 2014 and the FIR has been lodged in the month of January 2020 when due to some disputes marriage could not be materialized and further considering the fact that the applicant is in jail since 19-9-2020 and charge-sheet has been filed, I am inclined to grant bail to the applicant.

7. 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

Raju