

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7436 of 2020

Dhiraj Chauhan S/o Hirdayanand Chauhan Aged About 20 Years R/o Vill.
Panchdhar, P.S. Sariya, District Raigarh Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through District Magistrate Raigarh, Distt. Raigarh
And The Station House Officer, Police Station- Sariya, District- Raigarh
(Chhattisgarh) ---- **Respondent**

For Applicant	:	Shri Manoj Kumar Jaiswal, Advocate
For Respondent/State	:	Smt. Hamidda Siddiqui, Dy. G.A.

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

Order On Board

08/12/2020

Heard.

1. The applicant has been arrested in connection with Crime No.94 of 2020 registered at Police Station- Sariya, District Raigarh (CG) for the alleged commission of offence under Section 376, 493, 323 of IPC.
2. Prosecution case is that the applicant entered into affair with the prosecutrix since six months prior to the date of lodging of FIR. It is alleged that the applicant on false pretext of marriage, entered into sexual relationship with the prosecutrix, thereafter, a village panchayat was held, in which also the applicant accepted his relations with the prosecutrix, executed documents but later on, he refused to marry the prosecutrix.
3. Learned counsel for the applicant would submit that on the face of the contents of FIR lodged by the prosecutrix on 07.07.2020, it is a case of affair and later on, a dispute arising between the parties. He would submit that even according to the prosecutrix, a relationship between them was consensual in nature. The prosecutrix is a major and mature girl. He would further submit that in the Panchayat meeting also, a settlement was arrived at but FIR has been lodged only to create pressure on the applicant.
4. On the other, learned State counsel opposes the prayer and submits that in

view of what has been stated by the prosecutrix in the FIR and in the case diary statement, it is clear that the basis for sexual relation was a false pretext of marriage, therefore, it cannot be categorized as free consent. Therefore, the allegation would prima facie amount to commission of offence of rape.

5. On prima facie consideration, as is reported in the FIR dated 07.07.2020, the prosecutrix is a major and mature lady. According to her, she and the applicant were having a love affair for the last 6 months and there are also sexual relationship maintained between the parties. According to the prosecutrix on 27.06.2020, both the family members were involved and a village Panchayat was held and in village Panchayat, a document was also executed. The FIR has been lodged by the Prosecutrix only when there is allegation of that dispute and she being given beating by present applicant.
6. Therefore, considering the aforesaid material on record, in the considered opinion of this Court, present is a fit case for grant of bail when investigation is complete and charge sheet has been. Accordingly, the bail application is allowed.
7. 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge