

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7900 of 2020

Goverdhan Yadav S/o Lakhan Yadav, aged about 20 years, R/o Village Medhpar Thana Hirri, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Aarkchi Kendra Hirri, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rajendra Kumar Patel, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

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

Order On Board

27/11/2020

Heard.

1. The applicant is arrested in connection with Crime No.102/2020 registered in Police Station –Hirri, District- Bilaspur (CG) for alleged commission of offence under Section 376 IPC.
2. Case of the prosecution, in brief, is that the applicant entered into sexual intercourse and exploited the prosecutrix, a disabled lady on the assurance that he would be marrying her. On the false pretext of marriage, applicant entered into relationship, out of which, a child was born. But, later on, the applicant refused to marry her.
3. Learned counsel for the applicant would submit that present is an apparent case of consent between the applicant and the prosecutrix. He would argue that the prosecutrix lodged report only when she became pregnant and the applicant did not accept any relationship with her.

4. On the other hand, learned counsel for the State 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.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the report was lodged long after the prosecutrix conceived and gave birth to a child, I am inclined to grant bail to the applicant.
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