

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2051 of 2021**

- Vinod Jangade S/o Amar Das Jangade Aged About 28 Years R/o Magarghata, Police Station Amleshwar, District Durg Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station D. D. Nagar, District Raipur Chhattisgarh

---- Respondent

For Applicant : Ms. Fouzia Mirza, Sr. Adv. With Shri Navin Shukla, Advocate

For Respondents/State : Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****06/07/2021**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 23.01.2021 in connection with Crime No.30/2021 registered at Police Station D.D. Nagar, District-Raipur (CG) for the offence punishable under Sections 376, 377, 506 of I.P.C.
3. As per the prosecution case, the complainant lodged a report that the applicant on the pretext of marriage concealing his earlier marriage committed oral sex, sexual intercourse and unnatural sex. Subsequently, he refused to marry her,

therefore, the report was made.

4. Learned senior counsel for the applicant submits that the complainant is major and educated as she is the student of B.Sc. Nursing and it is not the case that the earlier marriage of the applicant was concealed which would be evident from the transcription and she was in regular conversation with the wife of the applicant. She would further submit that after knowing the fact of earlier marriage she had a consensual sex with the applicant. She would further submit that the complainant being a major there cannot be any forceful sexual intercourse. She would further submit that the applicant also did not have the harmonious relation with his wife and at certain point of time he stayed in the apartment together wherein the complainant was residing and thereafter also at different places despite knowing the fact that the applicant is married. She would therefore pray that the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that on the pretext of marriage concealing the fact that the applicant is married, the sexual intercourse was committed, therefore, no consent is given by the complainant.
6. Perused the documents which are filed and went through the photographs and certain conversation in between the wife of the applicant and the complainant. The conversation would show that the complainant was in know of the fact that the applicant was married after some time. Considering the facts, the age and the series of events which have been narrated, I am inclined to release the applicant on bail.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu