

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2488 of 2021**

- Yash Chhabra S/o Avtar Singh Aged About 22 Years R/o Behind Neha Provision Stores, In Front Of Maharashtra Mandal, Rajgir Mohalla, Tikrapara, Bilaspur, District Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The District Magistrate, District Kabirdham, Chhattisgarh, Police Station Sahaspur Lohara, Kabirdham, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vivek Sharma, Advocate
For Respondents/State	:	Shri Pawan Kesharwani, PL
For Respondent/Objector	:	Shri Dharmesh Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****22/07/2021**

Heard.

1. 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 02.03.2021 in connection with Crime No.48/2021 registered at Police Station Sahaspur Lohara, District Kabirdham, Chhattisgarh (CG) for the offence punishable under Sections 376, 376 (2) (n) and 506 of the Indian Penal Code.
2. As per the prosecution case, a report was lodged by the prosecutrix that the present applicant on the pretext of marriage has committed sexual intercourse from 2018 to the date of FIR i.e. 01.03.2021 thereafter has not returned back to

fulfill the promise as such the offence has been committed.

3. Learned counsel for the applicant submits that the applicant was in relation with the prosecutrix who is aged about 32 years she was earlier married and she was a consenting party, therefore, no offence is made out, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel and learned counsel for the objector vehemently oppose the prayer for grant of bail. Learned State counsel went through the statement under Section 164 Cr.P.C. wherein the prosecutrix has stated that the prosecutrix and the applicant has performed the marriage in a temple at Bemetara and stayed together for two years and thereafter all of a sudden the applicant left.
5. Considering the statement of the prosecutrix, without any observation on merits I am inclined to release the applicant on bail.
6. 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