

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2186 of 2021

Rakesh Yadav S/o Shri Baisakhu Yadav Aged About 34 Years R/o
Ward No. 14, Azaad Chowk Mangla, Police Station Civil Lines,
Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Takhatpur, District Bilaspur Chhattisgarh.

---- Respondent

For applicant - Shri Rishi Rahul Soni, Advocate.
For respondent/State – Shri Rahul Jha, G.A.
For victim – Shri Arvind Prasad, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

08/07/2021

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.28/2021 registered in Police Station Takhatpur Bilaspur (C.G.) for offence punishable under section 376, 294 & 506 of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix that on the pretext of marriage sexual intercourse was committed by the applicant whereby she became pregnant and subsequently the applicant refused to marry her.
3. Learned counsel for the applicant submits that the prosecutrix was initially married to one Kunj Ram Patel and she has not been divorced, therefore the allegation that on the pretext that the applicant will marry the prosecutrix he committed sexual intercourse is completely baseless. He further read out the statement of the prosecutrix under Section 164 of Cr.P.C. and submits that she was a consenting party. Further the application has been filed that the prosecutrix do not object to the grant of

bail. Learned counsel submits that therefore the applicant may be released on bail.

4. The counsel one Shri Arvind Prasad appears on behalf of the prosecutrix as also during the video the prosecutrix also appears and submits that she do not object to grant of bail. The prosecutrix is identified by the counsel Shri Arvind Prasad.

5. Learned State counsel opposes the prayer for grant of bail.

6. Considering the nature of allegation and the submission of the prosecutrix that she do not have any objection to grant the bail to the applicant, taking into totality of fact, charge sheet is filed, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE