

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3681 of 2021**

1. Omprakash Painkra, S/o Sundar Say Painkra, aged about 30 years, Caste Kanwar, R/o Kotainpani, PS Kansabel, District Jashpur (CG), presently residing at Police Line, Jashpur (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jashpur District Jashpur (CG)

---- Non-Applicant

For Applicant : Shri CJK Rao, Advocate.
For Non-Applicant : Shri VR Tiwari, Additional AG.

Proceeding Through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag CJ****Order On Board**

22/07/2021 :

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.100/2021 registered in Police Station: Jashpur District Jashpur for offence under Section 376 of the IPC.
2. The applicant came in contact with the prosecutrix in December, 2020. Thereafter they started conversation through mobile phone. The applicant proposed to marry her which she refused. However on 10.2.2021, the applicant reached her house at about 10 pm and committed forcible sexual intercourse. Thereafter the applicant again promised that he would marry her according to the rituals, but later on

refused to marry her.

3. Admittedly, the incident happened on 10.2.2021 and the FIR has been lodged after 3 months on 12.5.2021. The prosecutrix is a grown up lady aged about 22 years. Contrary to the allegations of promise to marry, her statement is to the effect that when the applicant proposed to marry her, she refused. Thus the applicant's promise may not appear to be a cause for commission of rape.
4. Considering the entire fact situation of the case and for the fact that the the applicant is in jail since 13.5.2021, I am inclined to release him on bail.
5. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount 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/-
(Prashant Kumar Mishra)
Acting Chief Justice

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