

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3847 of 2021**

1. Shankerlal Prajapati, son of Manharan (wrongly written as Maniram), aged about 23 years, Caste Kumhara, R/o Village Bhilaibazar, Police Station Kusmunda, District Korba (CG)

**---- Applicant****Versus**

- State Of Chhattisgarh Through The Station House Officer, Police of Police Chowki Hardibazar, Police Station Kusmunda, District Korba (CG)

**---- Non-Applicant**

---

|                   |                                          |
|-------------------|------------------------------------------|
| For Applicant     | : Shri Achyut Tiwari, Advocate.          |
| For Non-Applicant | : Shri Chandresh Shrivastava, Deputy AG. |
| For Objector      | : Shri Vijay Kumar Sahu, Advocate.       |

---

**Hon'ble Shri Prashant Kumar Mishra, Ag CJ****Order On Board****07/09/2021 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.140/2021 registered in Police Station : Police Chowki Hardibazar, P.S. Kusmunda, District Korba for offence under Section 376 & 506 of the IPC.
2. In the FIR registered on 26.4.2021, the prosecutrix, whose date of birth is 17.12.1999, alleged that the applicant has committed forcible sexual intercourse on promise to marry. According to the prosecutrix, their relationship started about one year prior to the date of FIR and during this period, she was subjected to sexual intercourse on promise to marry

on number of occasions.

3. During the pendency of trial, statement of the prosecutrix has already been recorded, certified copy of which has been filed along with covering memo.
4. Learned State Counsel and learned counsel for the Objector would vehemently oppose the prayer for grant of bail. Shri Sahu, learned counsel for the Objector would submit that the prosecutrix has been sexually exploited on promise to marry, therefore, the applicant is not entitled to be released on bail.
5. Considering that, prima facie, the prosecutrix was more than 18 years of age on the date of first occurrence of sexual intercourse and for the fact that the applicant is in jail since 25<sup>th</sup> April , 2021 and the prosecutrix has already been examined, 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 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**

Barve