

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5853 of 2021**

- Ashish Pandey S/o Shri Radhey Govind Pandey Aged About 28 Years Resident Of Ekta Colony, Ashok Nagar, House No. 255 , Police Station Sarkanda, District Bilaspur Chhattisgarh
---- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ganj, District Raipur Chhattisgarh
---- **Respondent**

For Applicant	: Shri Ashish Shukla, Advocate
For Respondent/State	: Shri Kapil Maini, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**29.10.2021**

- Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.99 of 2021 registered at Police Station- Ganj, District- Raipur, Chhattisgarh for the offence punishable under Section 376(2)(N) of IPC.
- Case of the prosecution, in brief, is that a written report was filed by prosecutrix on 18.06.2021 mentioning therein that prosecutrix took admission with Achievers ICS Academy, Bilaspur for PSC coaching. In the institute, applicant was working as Instructor/Teacher. In the month of September, 2019, they started talking to each other, which developed into love relation. For the first time in between 4 and 5 of November, 2019 applicant established physical relationship with her and thereafter, on several occasions, continuously they established physical relationship till 21.03.2021. Physical relationship between them was on the pretext of marriage, as assured by applicant but subsequently, he refused to marry her. Report was lodged by her, based upon which aforementioned crime is registered against applicant.

3. Shri Ashish Shukla, learned counsel for the applicant submits that in view of contents of written report itself, no offence can be made out against applicant. Prosecutrix is aged about 24 years as on date, she is a matured woman. Even if allegation against applicant is accepted, then also, physical relationship if any between them would be consensual relationship. Applicant is in jail since 19.06.2021, hence he may be enlarged on regular bail.

4. Shri Kapil Maini, learned State counsel opposing the submissions of learned counsel for the applicant, submits that categorical allegation of establishing physical relationship on the pretext of marriage has been levelled against applicant, hence, applicant is not entitled for grant of bail under Section 439 of CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations levelled against applicant, age of the prosecutrix, period of physical relationship as mentioned from November 2019 till March 2021, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

1. Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
2. Applicant shall not in any manner, tamper with the prosecution witnesses.
3. If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

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