

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6624 of 2021**

- Mahesh Sonkar, aged about 30 years, S/o late Shri Heeralal Sonkar, R/o Sheetlapara, Charama, Thana and Tahsil Charama, District Uttar Bastar, Kanker (CG)

---- Applicant

Versus

- The State of Chhattisgarh, through Police Station Charama, District Uttar Bastar, Kanker

---- Non-Applicant

For Applicant	: Shri Parag Kotecha, Advocate.
For Non-Applicant	: Shri Gagan Tiwari, Deputy GA.

Hon'ble Shri Prashant Kumar Mishra, Ag CJ**Order On Board****24/09/2021 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.199/2019 registered in Police Station Charama, District Uttar Baster, Kanker for offence under Section 366, 376 and 506 of the IPC.
2. This is the 2nd bail application on behalf of the applicant. While dismissing the first bail application, liberty was reserved to revive the prayer after examination of the prosecutrix and now she has been examined.
3. In the FIR, the prosecutrix made allegation of commission of forcible sexual intercourse after performing marriage by use of force and coercion. However, when examined in the Court, she admits the factum of marriage which happened in the year 2016. She further admits that when the complaint was lodged in the year 2016 itself, she

made statement before the police that since she has performed marriage with the applicant, she is willing to reside in his house. Thereafter the prosecutrix performed marriage with another person and now, the present FIR has been lodged in August, 2019. The prosecutrix is presently aged about 28 years, therefore, in the year 2016 also, she is more than 18 years of age.

4. Learned State Counsel opposed the prayer for grant of bail on merits as well as on submission that the applicant has 7 criminal antecedents, out of which one is for offence under Section 307 IPC and 4 cases involve proceeding under Section 107/116 CrPC.
5. Insofar as previous antecedents are concerned, the same would take its own course in law. However, in the case at hand, the complaint has been lodged after more than 3 years of the incident and in the meanwhile, the prosecutrix got married with another person and she was more than 18 years of age on the date of incident.
6. Therefore, considering all the relevant aspects of the matter, I am inclined to release the applicant on bail.
7. 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