

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8062 of 2020**

- Dinesh Das S/o Late Seetaram, Aged About 44 Years R/o Village Parcha Basti, Thana And Tahsil Baikunthpur, District - Korla Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Police Station - Baikunthpur, District - Korla Chhattisgarh

---- Respondent

For Applicant	:	Shri A.K.Yadav, Advocate
For State	:	Smt. Fouzia Mirza, Addl. Adv. Gen. and Ms. Samiksha Gupta, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****04/02/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.236/2020 registered at Police Station – Baikunthpur, District – Korla (C.G.) for alleged commission of offences under Section 376 (2) (m) of IPC.
2. Prosecution case is that the applicant sexually exploited the prosecutrix on false pretext of marriage for about four years and finally refused to marry her.
3. Learned counsel for the applicant would submit that a bare reading of FIR lodged by the prosecutrix herself would *prima facie* show that even according to the prosecutrix, the applicant and the prosecutrix had a long standing sexual relationship from March, 2016 to September, 2020 till lodging of FIR and the prosecutrix was fully knowing the status of applicant is a married person and having family. Therefore, it cannot be said to be a case of sexual intercourse on false pretext of marriage.
4. On the other hand, learned State counsel opposes bail application and submits that though the prosecutrix was major, she has alleged that she had entered into

relationship including physical relationship with the applicant on false promise that he would marry her and whether or not the prosecutrix was knowing that the applicant is a married person, is a matter of trial.

5. Taking into consideration the submission of learned counsel for the parties, contents of FIR itself wherein the prosecutrix has stated that she and the applicant were having long standing relationship since March, 2016 and the relationship could not materialized due to refusal on the part of the applicant and that the prosecutrix is a major, investigation is complete and charge sheet has been filed, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge