

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7746 of 2020

Chhedilal Netam S/o Sadharam Netam Aged About 28 Years Caste Gond
R/o Village Tiriyaarani, Tahsil And District North Bastar Kanker, Chhattisgarh
---- **Applicant**

Versus

The State Of Chhattisgarh Through Station House Officer, Police Station
Kanker, District North Bastar Kanker, Chhattisgarh ---- **Respondent**

For Applicant	:	Shri Amit Kumar Sahu, Advocate
For Respondent/State	:	Shri Lalit Jangde, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/01/2021

Heard.

1. The applicant has been arrested in connection with Crime No.242 of 2020 registered at Police Station- Kanker, District North Bastar Kanker (CG) for the alleged commission of offence under Section 450, 376, 506 of IPC.
2. Prosecution story is that the applicant by administering threat raped prosecutrix for the first time in the month of December, 2018 and when later on, he again committed sexual intercourse it was disclosed to the father-in-law of the prosecutrix and thereafter the prosecutrix along with her children was taken by the applicant in the house where she was living along with the applicant as his wife but later on, the applicant again deserted her. According to prosecution, this amounts to a case of commission of rape as prosecutrix was assured that later on, the applicant would marry her but he did not marry and thus exploited.
3. Learned counsel for the applicant would submit that on the face of report lodged by prosecutrix herself, it is not a case of rape. He would submit that prosecutrix is a major and widow and she had entered into relationship with the applicant since December, 2018 and even according to prosecutrix, she has been living along with applicant almost for more than 1 ½ years and because of dispute, report has been lodged.

4. On the other hand, learned State counsel would argue that the statement of the prosecutrix shows that she was having sexual relation with the applicant but this was on assurance that the applicant would marry her, therefore, consent for sexual intercourse was obtained on false pretext of marriage.
5. Considering the submission of learned counsel for the parties, long relationship with the applicant and prosecutrix and prosecutrix being a mature lady of three children and the report lodged after more than 1½ years long after the prosecutrix resided with the applicant in his house, the application is allowed.
6. 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 two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge