

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7904 of 2020

Laxminath Netam @ Chandan Netam S/o Salikram Netam Aged About 24 Years R/o Village Banskot, P.S.- Vishrampuri, District Kondagaon (Chhattisgarh), District : Kondagaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Vishrampuri, District Kondagaon (Chhattisgarh), District : Kondagaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Arun Kumar Shukla, Advocate
For State	:	Shri Lalit Jangde, Dy. Govt. Advocate

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

Order On Board

04/02/2021

1. The applicant is arrested in connection with Crime No.64/2020 registered in Police Station- Vishrampuri, District- Kondagaon (CG) for alleged commission of offence under Sections 366, 376 (2) (n) IPC.
2. Case of the prosecution, in brief, is that the applicant sexually exploited the prosecutrix on the false pretext of marriage and even after she became pregnant, the applicant did not go for marriage and disowned her, due to which, the prosecutrix had to file FIR.
3. Learned counsel for the applicant would submit that according to prosecution, the prosecutrix was having love affair with the applicant, which started from March 2020 and continued for long period and the FIR was lodged only after she became pregnant and dispute arose with regard to solemnization of marriage. Learned counsel for the applicant submits that the investigation is complete and charge sheet has been filed and the

applicant is in jail since 2.10.2020, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that though according to the prosecutrix, there was love affair between the applicant and the prosecutrix going since March 2020, the love affair and sexual intercourse was on the false pretext of marriage and when the prosecutrix became pregnant, the applicant refused to marry her. Therefore, a prima facie case of committing sexual intercourse on the false pretext of marriage is made out which would amount to rape.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the prosecutrix's own version of she and the applicant having a love affair since March 2020 and the FIR was lodged only after she became pregnant and that the prosecutrix is major, investigation is complete, charge sheet has been filed, I am inclined to allow the application.
6. The application is accordingly allowed and 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.

Sd/-
(Manindra Mohan Shrivastava)
Judge