

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 7371 of 2021**

- Arvind Lakda S/o Bhogi Lakda Aged About 24 Years R/o Village Lava, Police Chouki Vijay Nagar, Police Station Ramanujganj District Balrampur-Ramanujganj Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Chouki Vijay Nagar, Police Station Ramanujganj District Balrampur-Ramanujganj Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Vikas Pandey, Advocate
For Non-applicant/State	: Mr. B.L. Sahu, Panel Lawyer.
For objector	: Mr. Pawan Kesharwani, Advocate

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****07/12/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 267/2021 registered at Police Station Ramanujganj, District Balrampur-Ramanujganj, (C.G.) for the offence punishable under Section 376(2)(n) of IPC.
2. Case of prosecution is, that on 28.08.2021, father of prosecutrix, lodged a report to the concerned police station stating therein that after demise of father of applicant, complainant brought the applicant to his own house in the year 2017 for nurturing and providing him education. Applicant resided in the house of complainant along with prosecutrix from 2017 to 2021. During that period, applicant established physical relationship with prosecutrix on the pretext of marriage, as per allegation, first relationship between both of them was of the year 2017 which continued up to June 2021. When prosecutrix came to know about the settling of marriage of applicant

with some another girl, she narrated the incident to her father and other family members, thereafter the report was lodged and applicant was arrested in the aforementioned crime on 29.08.2021.

3. Mr. Vikas Pandey, learned counsel for the applicant would submit that prosecutrix is a major girl aged about 26 years as of now and if on the date of alleged first incident of the year 2017, she was about 20 years of age. Physical relationship between applicant and prosecutrix, if any, would be consensual. Prosecutrix has not informed about the happening of any incident to anyone of the family members even when she was residing along with them in the same house, hence, no offence as alleged against applicant is made out and applicant may be enlarged on bail.
4. Mr. B.L. Sahu, learned State counsel, and Mr. Pawan Kesharwani, learned counsel for objector, while opposing the submissions made by the learned counsel for the applicant, would submit that as per allegations levelled in the FIR as well as statement of prosecutrix recorded under Section 161 of CrPC, there is specific allegation of committing forceful sexual intercourse with prosecutrix in the year 2017 and thereafter on the pretext of marriage, hence, prima facie applicant is involved in the crime as alleged against him.
5. I have heard learned counsel for the respective parties and also perused the documents enclosed along with bail application.
6. Having regard to the facts and circumstances of the case, nature of allegations, contents of FIR as well as statement of prosecutrix recorded under Section 161 of CrPC, age of prosecutrix in the year 2017 to be more than 20 years, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the

applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

P a w a n