

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7559 of 2021

Ramnath Son Of Loknath Verma Aged About 24 Years R/o- Barda,
P.S.- Kasdol, District- Balodabazar-Bhatapara (Chhattisgarh),
District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Kasdol- Chauki- Lawan, Distt.Balodabazar-Bhatapara
(Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant : Ms. Supriya Upasane, Advocate

For Non-applicant : Mr. Shrikant Kaushik, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

01/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.257/2021 registered at Police Station- Kasdol- Chauki- Lawan, District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 376, 366 IPC.
2. Case of prosecution is that prosecutrix lodged written report on 11.7.2021 stating therein that the applicant first time committed sexual intercourse with her on 20.7.2017 and thereafter continuously established physical relationship for last 5 years. Due to physical relationship between them, she became pregnant. When the fact of

pregnancy was informed to the applicant, he gave some medicines and thereafter ran away. He also refused to marry her. Based on the report, aforementioned crime was registered and applicant was arrested on 11.9.2021.

3. Ms. Supriya Upasane, learned counsel for the applicant would submit that the prosecutrix, on the date of filing of report was aged about 24 years. Even if the allegation of establishing physical relation in the year 2017 is taken as it is, then also, the prosecutrix was a major girl aged about 19 years. From the period of relationship between the applicant and the prosecutrix, it reveals that the prosecutrix herself is consenting party. Hence offence alleged against the applicant would not be attracted. Applicant is in jail since 11.9.2021, charge sheet has been filed, hence, the applicant may be enlarged on bail.
4. Shri Shrikant Kaushik, learned counsel for the State opposes the submissions of learned counsel for the applicant and submits that in the written report, there is specific mention that applicant established physical relationship on the pretext of marriage but subsequently he refused to marry her. Hence there is prima facie involvement of the applicant in commission of crime. He also submits that the prosecutrix delivered a child on 30th September 2021 but unfortunately baby died on 3.10.2021.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegation, facts and circumstances of the case, age of the prosecutrix and period of

relationship between the applicant and prosecutrix, 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 his furnishing a bail bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court on the conditions that:-

- a) Applicant 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