

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2451 of 2016**

Pramod Kumar, son of Shri Dhansai Singh, aged about 25 years, resident of Dhumadand, Police Station Chandraura, District Surajpur (CG).

---- Applicant

Versus

State of Chhattisgarh, through Incharge, Police Chowki Wadrafnagar, Police Station Basantpur, District Balrampur-Ramanujganj (CG).

---- Non-applicant

For Applicant : Shri D.N. Prajapati, Advocate
For Non-applicant : Shri Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****31/05/2016****(1)** Heard.

(2) This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested on 22.01.2016 in connection with Crime No.11/2016, registered at Police Station Police Chowki-Wadrafnagar, Police Station Basantpur, District Balrampur-Ramanujganj, for the offence punishable under Sections 376 (2^ढ), 420 of the Indian Penal Code.

(3) Case of the prosecution, in brief, is that the applicant by giving false promise of marriage maintained physical relationship with the prosecutrix since last four years. It is alleged that during that period, he

has committed sexual intercourse with the prosecutrix. It is also alleged that the applicant has taken ATM card issued in the name of the prosecutrix and withdrew a sum of Rs.1,00,000/- from her account.

(4) Learned counsel appearing for the applicant submits that the prosecutrix is major girl and she is having physical relationship with the applicant since last four years. He further submits that from perusal of her statement it shows that it is a case of consent and therefore, allegation of commission of offence under Section 376 (2^ढ) of the IPC is not made out against the applicant.

(5) On the other hand, learned counsel appearing for the State/non-applicant opposes the prayer for grant of bail and submits that statement of the prosecutrix shows that the applicant maintained physical relationship with the prosecutrix on the false promise of marriage but did not marry with her. It cannot be said that the prosecutrix was consent party.

(6) Considering the submission of learned counsel for the parties, particularly taking into consideration that even according to the prosecutrix, she is having physical relationship with the applicant since last four years, she is being a major girl and that report has been lodged on the allegation that the prosecutrix maintained physical relationship on the promise of marriage by the applicant and further considering that investigation is complete, charge-sheet has been filed and the applicant is in jail since 22.01.2016, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accordingly, the bail application is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with two sureties of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(8) Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge

L/-