

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 2474 of 2016**

Manoj Yadav S/o Keshwar Yadav, aged about 32 years, Occupation Agriculture, Resident of village Chandoura, Thana Chalgali, Tahsil Balrampur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

**versus**

State of Chhattisgarh, Through Police Station Chalgali, District Balrampur-Ramanujganj, Chhattisgarh.

---- Non-Applicant

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For Applicant : Shri Arvind Sinha, Advocate.

For Non-Applicant : Shri Anil Pandey, Government Advocate.

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**Hon'ble Shri Manindra Mohan Shrivastava, J.**

**Order on Board**

**31/05/2016**

1. The applicant has been arrested on 26.02.2016 in connection with Crime No. 53 of 2015 registered at Police Station, Chalgali, District Balrampur-Ramanujganj, for the alleged commission of offence under Section 376 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant giving false promise of marriage to the prosecutrix committed sexual intercourse and thereby committed rape on her.
3. Learned counsel for the applicant submits that the prosecutrix is a major lady and her statement clearly shows that the prosecutrix had an affair with the applicant and she also became pregnant and thereafter she married to one Sukhru. She also delivered a child. After separation from Sukhru, she lodged a report against the applicant making allegation of committing sexual intercourse on false promise of marriage. Therefore, it is argued that no case of commission of offence under Section 376 IPC is made out.

4. On the other hand, learned counsel for the State has opposed the bail application submitting that according to the prosecution, the prosecutrix submitted to the applicant's company and intercourse on false promise of marriage and therefore it is not a case of free consent.

5. Having heard learned counsel for the parties, taking into consideration the submission of learned counsel for the applicant and the report and diary statement of the prosecutrix that she was having a long standing physical relationship with the applicant whereafter she became pregnant and then she was married to one Sukhru whereafter she delivered a child and report was lodged only after the dispute arose between her and Sukhru regarding relationship of the prosecutrix with that of the applicant, the bail application is allowed.

6. It is directed that the applicant shall be released on bail on furnishing a personal bond of Rs. 25,000/- alongwith one local surety for the like amount to the satisfaction of the trial court. He shall appear before the Court below 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)  
**Vacation Judge**