

(2018) 06 CHH CK 0219

Chhattisgarh High Court

Case No: M.Cr.C. No. 3511 Of 2018

Cheatn Kumar Mohle @ Chiken

Kumar Mangeshkar

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: June 29, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 376
- Code Of Criminal Procedure, 1973 - Section 164, 439

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Amit Kumar Chaki, Chandresh Shrivastava

Final Decision: Allowed

Judgement

P. Sam Koshy, J

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.108/2018 registered at Police Station

Belha, District Bilaspur (C.G.) for the offence punishable under Section 376 of IPC.

2. Present applicant is in jail since 21/04/2018.

3. The allegation against the present applicant as per the prosecution case is that, the present applicant on the pretext of marriage is said to have

befriended the prosecutrix and in between they had also developed a physical relationship and the said relationship went on for a considerable period

of time. Thereafter, the prosecutrix is said to have got conceived from the applicant and when the prosecutrix and her family members insisted the

present applicant for marriage, he fled away from the place which led to the filing of the F.I.R.

4. The counsel for the applicant submits that, it is a clear case of consensual relationship between the two as is evident from the plain reading of the statement of the prosecutrix recorded under Section 164 of Cr.P.C. He further submits that, it is a case where the prosecutrix's statement clearly reveal that she used to voluntarily meet the present applicant and most of the time, the physical relationship had taken place at the house of the prosecutrix itself and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, it is a case where the present applicant on the pretext of marriage is said to have exploited the prosecutrix and thus prayed for rejection of the same.

6. Given the aforesaid facts of the case and considering the statement of the prosecutrix and the age of prosecutrix this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.