

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5278 of 2017**

- Sandeep Kalam S/o Kirtan Lal, Aged About 19 Years, Caste Gond, R/o Umarpal, Police Station Mohla, District Rajnandgaon (Chhattisgarh).

---- **Petitioner****Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station Mohla, District Rajnandgaon (Chhattisgarh).

---- **Respondent**

For Applicant	Mr. Kapil Maini, Advocate
For Respondent/State	Mr. Ashustosh Pandey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board**23/11/2017**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.46/2017, registered at Police Station Mohla, District Rajnandgaon (CG) for the offence punishable under Sections 376 & 506 of IPC.
3. On reading of the prosecutrix's statement recorded under Section 164 of Cr.P.C., it appears, the applicant and the prosecutrix had an affair which culminated into physical relationship. The applicant allegedly developed intimacy on promise to marry, however, he denied marrying the prosecutrix, therefore, initially, she reported the matter to the Police, whereupon, the applicant and the prosecutrix were summoned

in the Police Station. At that stage, both the applicant and prosecutrix sworn affidavit promising to marry each other. However, when the applicant took the prosecutrix to his house, his parents dragged her out of the house and thereafter, the present FIR has been registered. It is also to be seen that the prosecution has not filed the charge sheet for any offence under the Protection of Children from Sexual Offences Act, 2012, therefore, it appears, the prosecution has treated the prosecutrix to be more than 18 years of age.

4. Learned counsel for the State would oppose the bail application.
5. Considering the entire facts and circumstances of the case, particularly for the fact that the applicant is in jail since 13.4.2017 and that the investigation is complete as the charge sheet has already been filed, this Court is inclined to release the applicant on regular bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

7. Certified copy as per rules.

Sd/-

Judge

(Prashant Kumar Mishra)