

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.954 of 2018**

Bachnu Rajak, S/o Shri Dhanau Rajak, aged about 25 years, R/o Village Pataidih, Police Station Pachpedi, District Bilaspur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station Pachpedi, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent	:	Shri Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****7.5.2018**

1. This is the first bail 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.13 of 2017 registered at Police Station Pachpedi, District Bilaspur for offence punishable under Sections 450, 376, 315 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 4.5.2017, the prosecutrix, a minor girl lodged a report in Police Station Pachpedi alleging that 1 year prior to the lodging of the report when she was alone at her house, the Applicant came to her house and asked for developing illicit relationship with her. On refusal, he threatened her and committed sexual intercourse with her in her house. It is further alleged that thereafter also, he committed sexual intercourse with her on many occasions and, therefore, she

conceived. On coming to know about her pregnancy, he gave her some medicine and thereby he got her aborted. When she again got pregnant, he again got her aborted. Thereafter, she told her parents about the same and lodged the report. On the basis of her report, the police registered the aforesaid crime against the Applicant.

3. Learned Counsel appearing for the Applicant submits that a copy of the birth certificate of the prosecutrix has been annexed with the present bail application which shows that her date of birth is 14.5.1998. Thus, on the date of the alleged incident, she was a major girl of 19 years. She was a consenting party. From her statement under Section 164 of the Cr.P.C. also, it is clear that she was a consenting party to the act done with her. The Applicant is in custody since 12.5.2017. Charge-sheet has been filed. Therefore, the Applicant may be released on bail.
4. Learned Counsel appearing for the Respondent/State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Considering the facts and circumstances of the case, particularly that charge-sheet has been filed, the Applicant is in custody since 12.5.2017, trial is likely to take time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one

solvent surety in the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE