

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1691 of 2018**

- Khilesh @ Kuleshwar Vaisnav S/o Jagat Das Vaisnav Aged About 22 Years Village- Savar, Thana- Kasdol, District- Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- The Police Station House Officer- Thana- Kasdol, District- Baloda-Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

**---- Respondent**

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| For Applicant  | : | Mr. Deepak Jain, Advocate.  |
| For Respondent | : | Mrs. M. Asha, Panel Lawyer. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**20/06/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.426/2017 registered at Police Station- Kasdol, District – Baloda Bazar(C.G.) for the offence punishable under Section 376 of Indian Penal Code (for short 'IPC') and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act')
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 24.10.2017. No case is made out against this applicant. Applicant and the prosecutrix both have love affair and applicant intends to marry with the prosecutrix. Even the parents of applicant have agreed for this

marriage. Affidavits of father and mother are filed in support of this application. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. It is a case, in which, prosecutrix was minor on the date of incident. Presently also the prosecutrix has not attained the age of majority as per the proof of date of birth available in the case diary. Hence, for the purpose of solemnizing legal marriage, bail for a limited period may be granted to the applicant.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail for a limited period on his furnishing 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, for his appearance as and when directed. This order shall remain effective till 28<sup>th</sup> February, 2019. If the marriage is solemnized by the applicant with the prosecutrix in between, he shall be at liberty to file an application for making this order absolute.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge