

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1717 of 2018**

Raja Nagesiya S/o Shri Butan Nagesiya Aged About 19 Years R/o- Kusmi
Thanpara, Police Station- Kusmi, District- Balrampur, Chhattisgarh., District :
Balrampur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station-
Kusmi, District- Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant : Shri R.R. Soni, Advocate.
For the Respondent/State : Shri Vijay Bahadur, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.04.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.57 of 2016, registered at Police Station Kusmi, District – Sarguja, Balrampur, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(n) of the Indian Penal Code and Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 15.12.2016 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution and the trial against the applicant is still pending.

Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was a minor on the date of incident. Hence, it is prayed that the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the applicant raped the prosecutrix on 6.7.2016 and thereafter, he further established the physical relationship with her on the basis of false promise to marry her. As a result, the minor prosecutrix aged about 16 years became pregnant. It is also alleged that this applicant administered some medicine to the prosecutrix with intention to cause miscarriage of her pregnancy and thereafter, the FIR was lodged. Hence, this case.

6. It has been stated by counsel for the applicant that the prosecutrix has given birth to a child and the applicant intends to marry the prosecutrix. After due consideration, looking to the period of detention of the applicant and the fact that the trial against the applicant is still not concluded, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge