

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2304 of 2018**

- Laikhan Ram Nag S/o Lt Mitthuram Nag, aged about 23 years, residing at village Dongariguda, P.S. Nagarnar, District Bastar (C.G.)

**---- Applicant****Versus**

- State of Chhattisgarh Through : The Police Station Nagarnar, District Bastar (C.G.)

**---- Respondent**


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For Applicant. : Shri P.K. Tulsyan, Advocate.  
 For Respondent. : Shri Shashank Thakur, G.A. for the State

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**Hon'ble Shri Justice Pritinker Diwaker****Order on Board****21/05/2018**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 25.10.2017 in connection with Crime No.238/2017 registered at Police Station : Nagarnar, District Bastar (C.G.) for the offence punishable under Section 376 IPC and Section 6 of the Protection of Children From Sexual Offence Act, 2012.
2. As per the prosecution case, the prosecutrix was having affair with the applicant and on 20.10.2017 she was subjected to physical relation by him.
3. Learned counsel for the applicant submits that the prosecutrix was a consenting party and the applicant is

willing to marry her. He further submits that the evidence has already started and there is most likelihood that the prosecutrix would not support the prosecution case.

4. On the other hand, State counsel opposes the bail application and submits that on the date of commission of offence the prosecutrix was minor.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the statement of the prosecutrix, at this stage, I am not inclined to release him on bail. However, the applicant would be at liberty to revive the same immediately after the evidence of the prosecutrix before the Trial Court.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

**(Pritinker Diwaker)**  
**Vacation Judge**