

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4565 of 2018

- Nimeshwar Yadav @ Chhotu S/o Late Pardeshi Yadav, Aged About 23 Years, R/o Chikhli, Police Station- Urla, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Urla, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Aditya Khare, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28-07-2017 in connection with Crime No.184/2017 registered at P.S. - Urla, District- Raipur, Chhattisgarh for the offence under Section 376(2)(a) of the IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 28-07-2018 and the trial against this applicant has still not concluded. The applicant and the prosecutrix had love affair and both of them want to marry each other, this has also been stated by the prosecutrix in her statement under Section 164 of the Cr.P.C. Hence, it is prayed that the applicant may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that on the date of incident the age of the prosecutrix was about 16 years, hence, no case is made out for grant of bail.

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

5. According to the prosecution case, it is alleged that this applicant established physical relationship with the prosecutrix on 25-05-2016 and continued having such relation with the minor prosecutrix till 25-07-2017 when she became pregnant and thereafter he refused to marry.

6. Considered on the entire present in the case diary. Looking to the time that has elapsed because of pendency of trial in this case and also the statement of the applicant about his intention to marry the prosecutrix, I am of this view that he should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge