

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.8230 of 2018**

- Chhandan Paikra @ Nanu S/o Sabal Dev Paikra Aged About 25 Years R/o Village Chirga, Uparpara, Police Station Batouli District Surguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Batouli, District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Shri Jitendra Shrivastava, Advocate
For respondent/State	: Shri Vivek Sharma, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****13.11.2018**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 24.6.2018 in connection with Crime No. 70/2018 registered at Police Station- Batouli, Distt. Surguja (C.G.), for the offence punishable under Sections 363, 366, 376(2)(b) of the Indian Penal Code and under Section 5(b)/6 of Protection of Children from Sexual Offences Act, 2012.

2. As per the case of the prosecution, prior to one year from the date of report, the applicant used to develop illicit relation with the prosecutrix on the pretext of marriage and maintained physical relation with her.

3. Learned counsel for the applicant submits that the applicant is innocent, there was an affair between the applicant and the

prosecutrix for a long time, therefore no offence is made out and the the applicant may be released on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.

5. Looking to the fact that the report has been lodged after one year of the incident and there is prima facie evidence of affection between the parties for a long period, this Court is of the opinion that it is a fit case to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
JUDGE