

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No.4386 of 2020**

- Abhishek Kaushik, S/o Rikhiram Kaushik, Aged About 20 Years, R/o Village Chhatauna, P. S. Chakarbhata, District Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station Chakarbhata, District Bilaspur, Chhattisgarh

**---- Respondent**

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| For Applicant  | Ms. Reena Singh, Advocate on behalf of<br>Shri Ishwar Jaiswal, Advocate |
| For Respondent | Shri Adil Minhaj, Dy. AG                                                |

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**Proceeding through Video Conferencing**

**Hon'ble Justice Shri Prashant Kumar Mishra**

**Order On Board**

**02/09/2020**

1. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.122/2020, registered at Police Station Chakarbhata, District Bilaspur (C.G.) for the offence punishable under Section 376 of IPC and Sections 4 & 6 of POCSO Act.
2. The applicant committed forcible sexual intercourse with the prosecutrix from October, 2016 to 12<sup>th</sup> of May, 2020. They happened to meet at a marriage function in October, 2016 where the applicant proposed her and later promised to marry and started sexual intercourse. On 12.05.2020, the applicant refused

to marry and expelled her from his house. Thereafter, the FIR was lodged on 14.05.2020.

3. Learned State counsel would oppose the prayer for grant of bail.
4. Although the prosecutrix was less than 16 years of age when they first met at a marriage function in October, 2016, but the offence continued till 12.05.2020 even after the prosecutrix having attained the majority. If the first incident is taken account of, there is delay of about 4 years in lodging the FIR and after she attained the age of majority, it may be debated that she was in consensual relation with the applicant. Therefore, considering the fact that he is in jail since 16.05.2020 and the charge sheet has already been filed, this Court is inclined to release the applicant on bail.
5. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-  
Prashant Kumar Mishra  
Judge