

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4557 Of 2020

Jitendra @ Jittu Nirmalkar S/o. Kedarnath Nirmalkar, Aged about 20 years, Resident of Banjari Nagar, Near Shitla Chowk, D.D.Nagar, Police Station D.D.Nagar, Raipur Tahsil Raipur District Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station D.D.Nagar, Raipur District Raipur Chhattisgarh

---- Respondent

For Applicant : Shri Pushpendra Kumar Patel, Advocate
For Respondent/State : Ms. Sunita Jain, GA
Parents of the Prosecutrix are present.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

03/09/2020

The applicant has filed this second application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 245/2019 registered at police station D.D.Nagar, Raipur, district Raipur (CG) for the offence punishable under Sections 376 IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

The earlier bail application was rejected on merits vide order dated 20.12.2019 in M. Cr. C. No. 6472/2019.

As per prosecution case, the applicant and the prosecutrix were having love affair and they developed physical relations on the pretext of marriage. It is alleged that at the time of incident, the

prosecutrix was minor.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the applicant and the prosecutrix were having love affair and she is residing with the parents of the applicant. It is submitted by the counsel for the applicant that the applicant is in jail since 13.07.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Parents of the prosecutrix present today through help desk have no objection, if the applicant is granted bail.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and that the prosecutrix is residing with the parents of the applicant and will get married after his release, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge