

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5770 of 2020

1. Naneshwar Mahajan S/o Raju, Aged About 23 Years R/o New Khurshipar Near Santoshi Mandir, Police Station Khurshipar, Bhilai, Tehsil And District Durg Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through The District Magistrate, District Durg Chhattisgarh.

---- Respondent

For Applicant Mr. Vinay Pandey, Advocate

For Respondent /State Mr. Vimlesh Bajpai, Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

19/10/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.274/2020, registered at Police Station Chhawani, District Durg (CG), for the offence punishable under Sections 376 (2 ढ) & 313 of the Indian Penal Code and Sections 6 & 12 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., she was having an affair with the applicant for the last 5 years and in that course they

developed sexual relation. Sometimes, in the month of March-April, 2020 she became aware that she is carrying pregnancy of 2½ months whereafter she started living with the applicant. On 22-5-2020 her condition worsened, therefore, her parents got her admitted in a hospital and she was aborted.

4. In this statement under Section 164 of the Cr.P.C. recorded on 8-6-2020 she states that her parents and parents of the applicant as well have agreed for their marriage.
5. Learned counsel for the State, *per contra*, would oppose the bail application.
6. Considering all the relevant aspects of the matter; particularly considering the fact that the FIR has not been lodged by the prosecutrix, but it was her mother who lodged the FIR on 24-5-2020 after the pregnancy was aborted; also considering the fact the applicant is in detention since 29-5-2020; and further considering the fact that the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicant on regular bail.
7. Accordingly, the bail application M.Cr.C.No.5770 of 2020 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 in 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.
8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri