

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5816 of 2020**

- Mithalesh Nishad Son Of Ramji Aged About 23 Years Resident Of Anand Nagar, Bhanpuri, P.S. Khamtarai, District Raipur Chhattisgarh (Detail Not Mentioned In The Rejection Order Of The Learned Court Below)

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, District Raipur Chhattisgarh

---- Respondent

For Applicant
For Respondent /State

Mr. SP Sahu, Advocate
Ms. Fouzia Mirza, Additional Advocate
General

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****21/9/2020**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.257/2020 registered at Police Station Khamtarai District Raipur (CG) for the offence punishable under Section 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. The applicant allegedly committed sexual intercourse with the prosecutrix for about 2 years on promise to marry. However, in her statement under Section 164 of Cr.P.C, the prosecutrix's only allegation is that she was acquainted with the applicant for about 2 months but there was no incident of rape happened with her.
4. Considering the varying statements of the prosecutrix and for the fact that the applicant is in jail since 27.6.2020 and the charge sheet has already been filed, this Court is inclined to release the applicant on regular bail.
5. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing 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.
6. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)

Judge

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