

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 692 of 2020**

- Ajay Kumar Sahu S/o Kanhaiya Lal Sahu Aged About 23 Years R/o Near Durga Mandir, Amlidih, P.S. - New Rajendra Nagar Raipur, District - Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - New Rajendra Nagar District - Raipur Chhattisgarh.

---- Respondent

For Applicant. : Mr. Akhand Pratap, Advocate.
 For Respondent/State : Mr. H. S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 396/2019 registered at Police Station - New Rajendra Nagar, District Raipur (C.G.) for the offence punishable under Sections 376(2)(n) & 313 of the IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. The prosecution story in brief is that, the applicant had established physical relationship with prosecutrix due to that, prosecutrix got pregnant, thereafter, he gave her medicine for her miscarriage. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that there was love affair between the parties and the physical relation was established with the consent of applicant and prosecutrix. When the mother of the prosecutrix saw the pregnancy test kit, she lodged a report against the applicant. Prosecutrix is above 16 years of age and the applicant is in jail since 16.11.2019, and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age of the prosecutrix, detention period of the applicant, as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court/Remand Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu