

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2614 of 2016

Dil Kumar Nishad S/o Shri Anant Ram Nishad Aged About 21 Years
R/o Village Ulkhar, P.S. & Tahsil Sarangarh, District Raigarh, Civil &
Revenue District Raigarh, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through District Magistrate, Raigarh, District
Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. M.K. Sinha, Advocate
For Respondent/ State	:-	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

21/06/2016

1. This is the first bail 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. 490/2014 registered at Police Station- Chauki Jute Mill, Raigarh District Raigarh (C.G.) for the offence punishable under Sections 363,366,376 of IPC and section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 02.06.2014, the applicant allured the victim girl who was minor and took her away from the lawful guardianship of the mother and father of the prosecutrix, thereafter the applicant committed sexual intercourse with the her. Subsequently, the girl was recovered on the basis of report made by the father of the prosecutrix on 13.01.2016 thereby the offence has been committed.

3. Counsel for the applicant submits that the applicant has been examined before the Court below and she has not supported the case of the prosecution. He further submits that the applicant is in jail since 13.01.2016, therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix made before the Court below wherein she has not supported the case of the prosecution. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge