

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7660 of 2015**

Ghanshyam Nishad S/o Firtu Ram Nishad Aged About 22 Years R/o Village Kosamkhunta, Tahsil Rajim, P.S. Fingeshwar, Civil & Rev. Distt. Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Fingeshwar, Distt. Gariyaband, Chhattisgarh.

---- Respondent

For applicant - Smt. Indira Tripathi, Advocate.
For Respondent/State – Shri Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order****14/01/2016**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 56/2015 registered in Police Station Fingeshwar, Distt. Gariyaband (C.G.) for offence punishable under section 363, 366, 376 of IPC, Section 3 (1) (11) and 3 (2) (5) of SC, ST Act and Section 3 (a), 4 of POCSO Act.
2. As per the prosecution case on 4/04/2015 report was made by father of the victim that minor girl is missing and subsequently she was recovered on 28/10/2015 and on investigation it was revealed that applicant has enticed the girl and thereafter she was subjected to forceful rape. Thereby, offence is committed.
3. Learned counsel for the applicant submits that victim and the applicant had love affair and they have performed the marriage and after marriage girl was living along with the applicant and even in statement under Section 161 of Cr.P.C. she has stated that she has performed marriage with the applicant and want to reside with the applicant. Therefore, taking into such statement, the applicant may be released on

bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary and the statement of the victim wherein she has stated that she has performed marriage with the applicant and want to reside with him. Therefore, taking into account such statement without further observation on merits, for the purpose of bail this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE