

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5197 of 2016

Amit Nishad S/o Late Pyari Nishad, Aged About 26 Years R/o
Village - Khunteri, Thana- Somni, District Rajnandgaon
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Thana - Somni, Distt. -
Rajnandgaon Chhattisgarh.

---- Respondent

For applicant - Shri Samir Singh, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.105/2016 registered in Police Station Somni, Distt. Rajnandgaon (C.G.) for offence punishable under sections 363, 376 of IPC and 8, 17 & 18 of Protection of Children from Sexual Offence Act.
2. As per the prosecution case, a report was made by father of the prosecutrix on 24/06/2016 that the applicant has enticed away the girl from the lawful custody of her parents and committed sexual intercourse. Subsequently, girl was recovered on the same day. On investigation it revealed that the applicant has committed sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. As per statement of the prosecutrix she herself has joined the company of the applicant and even at the instruction when family members tried to take her back, she refused to go and as per radiologist report her age is shown to be from 17 to 19 years. He submits that charge sheet has been filed, no further investigation is

necessary, therefore the applicant may be released on bail.

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

5. Perused the statement of the prosecutrix wherein she stated that she of her own will was in the company of the applicant, radiologist report also shows her age to be from 17 to 19 years. Considering those facts alongwith statement under Section 161 and 164 of Cr.P.C., without further observation, 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.

Sd/-

(Goutam Bhaduri)

JUDGE