

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3486 of 2017

- Peelu Nishad S/o Dukhram Nishad, Aged About 23 Years, R/o Village-Arjuni, Tahsil- Balodabazar, Police Station- Bhatapara, District Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station- Bhatapara (Gramin), District Balodabazar- Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri A.S.Rajput, Advocate.

For Non-applicant/State – Shri Anil Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-06-2017

1. This is first bail application filed under Section 439 of the Cr.P.C. seeking grant of bail to the applicant in connection with Crime No.360/2016 registered at Police Station Bhatapara (Gramin), District Balodabazar-Bhatapara, C.G. for the offence punishable under 363, 366(A), 376 of the IPC and Section 4, 6 of the POCSO Act.
2. As per the prosecution, a report was made by the father of victim on 27-11-2016. Consequently, the victim was recovered from possession of the applicant on 30-01-2017 and after investigation it revealed that the applicant enticed away the minor girl from custody of her parents and thereafter committed sexual intercourse.
3. Learned counsel for the applicant submits that the girl herself went along with the applicant and they had performed marriage at Pune and thereafter while they were returning back they were caught. He referred the 164 statement of the victim and submits that considering the entire circumstances and the fact that charge sheet has been filed in the case, the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the victim under Section 161 and Section 164 of the Cr.P.C. It is stated that the applicant and the victim have performed marriage, considering the same and further considering the fact that charge sheet has been filed, this Court is inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the 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 solvent surety in the like sum to the satisfaction of the concerned trial court for his appearance before the said court as and when directed.

8. C.C. as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge