

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6006 of 2017

1. Shivam Kumar Tiwari S/o Anil Kumar Tiwari, Aged About 22 Years
R/o Madiya Niwadi, Police Station Begum Ganj, District Raisen
(M.P.)

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police
Station Pulgaon, District Durg, Chhattisgarh

---- Respondent

For Applicant

Shri B.P. Singh, Advocate

For Respondent/State

Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

04/12/2017

1. Heard.
2. The applicant has preferred this application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.642/2014 registered in Police Station Pulgaon, District Durg, for offence punishable under Sections 363, 366, 376 (2)(I), 302 & 201 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicant is the resident of village Madiya Niwadi, Police Station Begum Ganj, District Raisen (Madhya Pradesh). It is stated that the applicant came in contact with Sonali Uikey (since deceased) through her mobile and, thereafter, they developed intimacy. On 18-12-2014 the deceased is said to have gone to visit one Sujata Aunt at Rajim, but did not return. Report of missing

person was lodged by Sheela Nagdeve on 18-12-2014 itself. On 27-8-2017 the dead body of the deceased was found in side the well belonging to one Laxman Kurmi, resident of village Hapsali Loluwa, District Raisen (Madhya Pradesh). The offence was initially registered under Sections 363, 366 & 376 (2)(I) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012, however, after recovery of the dead body of the deceased, the offence under Sections 302 & 201 of the Indian Penal Code were also added.

4. There is no eyewitness to the crime in question.
5. The applicant was arrested on the statement of his father and other villagers, who informed the police that the applicant got married with the deceased and were staying together as husband and wife in a separate house.
6. The witnesses examined in the trial Court including Sheela Nagdeve and the father of the applicant namely; Anil Tiwari have not supported the prosecution.
7. The deceased was a minor, however, there being no evidence connecting the deceased with the murder or with the commission of rape, nor anybody has seen the applicant abducting the deceased on 18-12-2014, this Court is inclined to release the applicant on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of **Rs.1,00,000/- with one local surety** for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Judge

Prashant Kumar Mishra

