

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4411 of 2017

Manoj Nishad S/o Mahadev, Aged About 21 Years R/o Village Hardikala,
Police Station Hirri, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Aarakshi Kendra Hirri, District Bilaspur,
Chhattisgarh.

----Non-applicant

For Appellant	:	Mr. Arvind Dubey, Advocate
For State	:	Mr. D.R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/08/2017

1. This is a repeat bail application. Earlier bail application was rejected with liberty to revive after the charge sheet is filed vide order dated 15/06/2017 in M.Cr.C. No. 3677/2017.
2. Counsel for the applicant submits that from the statement under section 161 of the prosecutrix itself it is evidently clear that there was a consensual relationship between the prosecutrix and the present applicant. From the statement it also reveals that there was a physical relationship maintained between the two on many occasions earlier and that it is only when she came to know from somebody that the present applicant is getting married to someone else which prompted her to file the complaint before the police authorities.
3. So far as age of the prosecutrix is concern, state counsel referring to the charge sheet submits that as per the radiologist report, the age of the prosecutrix was between 18-20 years.
4. Considering the facts and circumstances of the case as also the statement of the prosecutrix under Section 161 of the Cr.P.C. this court is of the opinion that, strong case for grant of bail has been made out.

5. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
6. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
7. Certified copy as per rules.

**Sd/-
(P. Sam Koshy)
Judge**

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