

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4377 of 2017

Nilkanth Sahu S/o Kamal Prasad Sahu, Aged About 24 Years R/o Village Matiya, Police Station Bhatapara (Rural) District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Civil & Revenue Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For applicant - Shri Amiyakant Tiwari, Advocate.
For Respondent/State – Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/07/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 381/2016 registered in Police Station Bhatapara (Rural), District Baloda Bazar-Bhatapara for offence punishable under sections 363, 366, 376 of IPC and 4, 6 of POCSO Act, 2012.
2. As per the prosecution case, a report was made by the prosecutrix that the applicant on the pretext of marriage took away the minor girl from the lawful custody of her parents, thereafter committed sexual intercourse.
3. Learned counsel for the applicant submits that charge sheet has been filed, no further investigation would be necessary and the victim has filed an affidavit wherein she has stated that she has married with the applicant which is also supported by affidavit of father of the victim wherein he has stated that both applicant and the victim were married and were living together, therefore the applicant may be released on bail.
4. Learned State counsel was directed to verify the affidavit of the

victim and her father. The verification and the statement of the victim and her father is placed wherein they have stated that the victim has performed marriage with the applicant and were living as husband and wife.

5. Considering the same, charge sheet has been filed and the applicant is in jail since 11/04/2017, 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