

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4922 of 2017

Narayan Nishad S/o Santram Nishad, Aged About 32 Years R/o
Shankar Nagar Simga, Police Station Simga, District Balodabazar
Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Simga, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For applicant - Shri Amiyakant Tiwari, Advocate.
For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

09/08/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 32/2017 registered in Police Station Simga, District Balodabazar Bhatapara (C.G.) for offence punishable under sections 376/34 Indian Penal Code.
2. As per the case of the prosecution, a report was lodged by the prosecutrix on 26/01/2017 that one Komal Nishad on the pretext of marriage allured the prosecutrix and committed sexual intercourse, however he refused to marry and against the present applicant Narayan Nishad it is alleged that during such transit period he helped the other accused and the victim to stay in their house and present applicant supported Komal Nishad in commission of crime.
3. Learned counsel for the applicant submits that main allegation of sexual assault is on Komal Nishad and the applicant has not committed any offence, charge sheet has been filed, 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 victim under Section 161 and 164 of Cr.P.C. Considering the nature of allegation against the present applicant it appears that main allegation is against Komal Nishad, 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 local 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