

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2440 of 2018

- Tikaram Nishad S/o Tejram, Aged About 36 Years, R/o- Village Sarwani, P.O.- Navrangpur, Police Station Kotra Road, Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Collector Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.M. Roy, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-05-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28-02-2018 in connection with Crime No.234/2017 registered at Police Station Kotraroad, Raigarh, District- Raigarh, Chhattisgarh for the offence under Section 363, 366, 376, 493, 494 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 28-02-2018. No case is made out against this applicant. The FIR has been lodged in this case on 10-11-2017, which is almost more than two years delayed and the delay has not been explained by the prosecutrix and there is no medical report in support of the prosecution case, hence, a totally false case has been made against the applicant. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the incident started from 15-04-2015 when the prosecutrix was minor and her submission to physical relation was obtained by this applicant

with a false promise to marry her and the prosecutrix became pregnant. Her pregnancy was also got aborted by this applicant. Hence, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on 15-04-2015 the prosecutrix was minor, at that time, this applicant started sexually exploiting the prosecutrix, because of which, she became pregnant, then on the information given by the prosecutrix, the applicant forced her to abort the pregnancy and continued with the sexual exploitation of the prosecutrix. When the applicant refused to marry the prosecutrix, the FIR has been lodged.

6. Considering on the material present in the case diary and looking to the nature of evidence that is proposed for prosecution of this applicant, I am of this view he deserves to be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge