

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3842 of 2018**

- Rohit Nishad S/o. Harishchandra Nishad, Aged About 22 Years R/o Tilda Nevra, Police Station Tilda Nevra, District Raipur, Chhattisgarh. At Present R/o Amora, Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Shri RK Pali, Advocate
For respondent/State	: Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****24.7.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 13.6.2017 in connection with Crime No.234/2017, registered at Police Station Bemetara, Distt. Bemetara (CG) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and under Section 4, 5(1) of Protection of Children From Sexual Offences Act, 2012.

2. As per the case of the prosecution is that the appellant kidnapped minor prosecutix and committed rape on her.

3. Learned counsel for the applicant submits that evidence of the prosecutrix has been recorded before the trial Court in which she admitted that she has married with the appellant in one Arya Samaj Temple at Raipur. He further submits that age of the

prosecutrix cannot be ascertained on the basis of bald statement of her father and other witnesses, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Looking to the fact that the prosecutrix has admitted her willingness in accompanying with the present applicant and further looking to the fact that statement of other witnesses are not based on documentary evidence, without further commenting on the merits of the case, I am inclined to allow the application.

7. Accordingly, application filed under Section 439 of the CrPC is 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 local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Sd/-

(Ram Prasanna Sharma)

JUDGE