

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6750 of 2018**

Hulash Nirmalkar S/o Pardeshi Nirmalkar Aged About 20 Years R/o Durga Chowk, Bhatapara, Siltara, Post-Office And Police Station- Dharsiwa, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Dharsiwa, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shivendu Pandya, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.09.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No.5101 of 2018 vide order dated 17.8.2018. The applicant has been arrested in connection with Crime No. 115 of 2018, registered at Police Station Dharsiwa, District Raipur, Chhattisgarh for the offence punishable under Sections 363, 366, 376, 323 and 506 of the Indian Penal Code, Sections 4 & 8 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 12.03.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the

Court by the prosecution. The prosecutrix and her father both had appeared before the Sessions Court to make a statement of no objection for grant of bail to the applicant and in support of this, both of them have also filed affidavits but even then, that was not considered by the Sessions Court. Certified copy of the affidavits of the prosecutrix and her father is also annexed for perusal of this Court. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. According to the prosecution case, the applicant alongwith co-accused – Ashwini Verma abducted the minor prosecutrix by making a false promise to marry her and established physical relationship with her on number of occasions. Subsequent to that, she was also abused and threatened by the applicant. On that basis, FIR has been lodged.

6. Considered the material present in the case-diary and also considered the submissions that the prosecutrix herself and her father had made a statement of no objection before the Court below, which is reflected in the order rejecting bail passed by the Court below. Hence, looking to the development and change in the circumstances, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge