

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3580 of 2019

- Udaychand Nishad S/o Rambhau Nishad, Aged About 24 Years, Residing at Village Bagdongari, Police Station Narharpur, District North Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Police Station Narayanpur, District Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-07-2019

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 10-03-2019 in connection with Crime No.194/2018 registered at P.S. - Narayanpur, District Narayanpur, Chhattisgarh for the offence under Section 363, 366(A) and 376 of the IPC and under Section 4, 6 of Protection of Children from Sexual Offences Act, 2012 and under Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. The prosecutrix has very clearly given statement under Section 164 of the Cr.P.C. that she herself eloped with the applicant and both have married. She has made clear statement that the applicant had physical relation with her only after marriage on 05-03-2019 and on that date she was above 18 years of age, hence, no offence is made out. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application

submitting that according to the statement of the prosecutrix under Section 161 of the Cr.P.C., 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, the prosecutrix went missing on 30-11-2018 regarding which a missing report was lodged in P.S. Narayanpur against unknown person. The prosecutrix was recovered on 09-03-2019. Thereafter, on the basis of her statement under Section 161 of the Cr.P.C. the FIR has been lodged.

6. After perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C., I am of this opinion that a case is made out for grant of 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