

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 888 of 2020

1. Nitesh Chhura S/o Late Ramesh Chhura Aged About 20 Years
Permanent R/o Village Gondrabad, Police Station -
Bogomunda, District - Balangir, (Orissa)

Local Address - Mobyra Nagar, Rajatalab, Police Station -
Telibandha Raipur, District Raipur, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police
Station - Telibandha Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant	Ms. Smita Jha, Advocate
For Respondent /State	Mr. Gagan Tiwari, Dy. Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

3/9/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.321/2019, registered at Police Station Telibandha, District Raipur (CG), for the offence punishable under Sections 363, 366, 376(2)(n), 506(b) of the Indian Penal Code and Section 5(I)/6 of the POCSO Act, 2012 (as per challan). [According to the applicant, wrongly mentioned as Sections 4, 6 of the POCSO Act in the order sheet of the Court below].

3. Applicant abducted the prosecutrix; took her to Chennai (Tamilnadu); performed marriage by putting vermilion on her forehead; and committed sexual intercourse. He also threatened her uncle that if the incident is revealed he will be eliminated. He later on dropped the prosecutrix at her house in the evening of 13-6-2019.
4. Learned counsel appearing for the State, *per contra*, would oppose the bail application.
5. Although the allegations are serious in nature, but in her deposition before the trial Court the prosecutrix (PW-1) has denied the incident.
6. Considering the entire facts situation of the case, particularly the statement of the prosecutrix, I am of the opinion that present is a fit case to release the applicant on regular bail.
7. Accordingly, the bail application M.Cr.C.No.888 of 2020 is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri