

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1998 of 2020

- Keshav Nishad S/o Ishwar Nishad Aged About 23 Years Resident Of Village Ranka, Police Station And District Bemetara Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant : Mr. Bharat Rajput, Advocate.

For Non-applicant/State : Mr. Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-06-2020

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 03.03.2020 in connection with Crime No.127/2020, registered at Police Station- Bemetara, District- Bemetara, C.G. for offence punishable under Sections 363, 376 and 366 of I.P.C. and Sections 04 and 06 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 03.03.2020 and has been falsely implicated in this case. There had been an affair between the applicant and the prosecutrix. The complainant and the prosecutrix have no objection in grant of bail to the applicant. The applicant also intends to marry the prosecutrix, therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant formally opposes the application and submits that the prosecutrix was minor, therefore, any

consent or willingness on her part is immaterial. Therefore, this application be rejected.

4. Dharendra Mishra- Complainant submits that complainant has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant has abducted the minor prosecutrix and then by keeping her in his custody, he has exploited her sexually because of which she became pregnant. Hence, this case.
7. Considered on the submission made and also looking to the development that the complainant has no objection in granting bail to the applicant and also the submission of the learned counsel for the applicant that the applicant intends to marry the prosecutrix, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge