

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3596 of 2020

Nandkumar Sidar, S/o. Shri Dashrath Sidar, Aged About 32 Years, R/o. Village Amajhar, P.S. Sarangarh, District Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- P.S. Baramkela, District- Raigarh, Chhattisgarh

---- Respondent

For Applicant	: Mrs. Naushina Afrin Ali, Advocate
For Respondent/State	: Mr. Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/06/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.185/2019, registered at Police Station – Baramkela, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix in this case was not minor on the date of incident and she had willingly accompanied the applicant from the village and traveled up to Raipur, where she willingly continued to stay with the applicant until she was recovered by the police, therefore, it is a case of consent. Hence, it is prayed that the applicant may be

enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application. It is submitted that the statement given by the prosecutrix under Section 161 of Cr.P.C. and 164 of Cr.P.C. is categorical against the applicant, therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix went missing on 06.10.2019, regarding which a missing report was lodged by her father. The prosecutrix was recovered on 12.10.2019 from the custody of this applicant. Thereafter, she has given statement against the applicant regarding abduction and rape.
6. After considering the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge