

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3547 of 2020

- Bhim Nishad S/o Late Duradesh Nishad, Aged About 20 Years, R/o Village Khadkhadi, Police Station Chilhati, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chilhati, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Arvind Kumar Dubey, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-07-2020

1. Notice issued to the informant/complainant has served, but there is no appearance or representation on their behalf.
2. 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 18-03-2020 in connection with Crime No.06/2020 registered at Police Station – Chilhati, District Rajnandgaon, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act and Section 3(2)(V) of S.C. S.T. (Prevention of Atrocities) Act.
3. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The applicant and the prosecutrix were having an affair since long because of which the prosecutrix had been a consenting party to the physical relation. The prosecutrix in this case is not minor. The applicant at present wants to perform marriage with the prosecutrix and have her as his wife. He is in jail since 18-03-2020. Therefore, it is prayed that the applicant may be granted bail.

4. Learned counsel for the State/non-applicant opposes the application.
5. Heard learned counsel for the parties and perused the documents.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix who also happens to a member of SC/ST and then he has exploited her sexually on pretext that he will marry her, regarding which the FIR has been lodged.
7. After considering the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. and also the other submissions that have been made by the counsel for the applicant, 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