

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3818 of 2020

Sahadev Nisad, S/o Maheshwer Nisad, Aged About 22 Years, R/o Bharda, Thana - Gurur, District - Balod (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: SHO Gurur, District- Balod (C.G.)

--- Respondent

For Applicant	:	Mr. G.R. Burman, Advocate.
For State/ Respondent	:	Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24/06/2020

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. 118/2020, registered at Police Station- Gurur, District- Balod (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC & Section 4, 5(3), 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 06.04.2020 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix was not minor on the date of incident. The only reliance of the prosecution regarding age of the prosecutrix is entry in the school register which is not conclusive proof and the applicant intends to challenge the same in the trial, otherwise the prosecutrix had been consenting party throughout. Hence, it is

prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor on the date of incident and the consent given by her is immaterial, therefore, the applicant is not entitled for grant of regular bail.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that this applicant abducted the minor prosecutrix and then exploited her sexually on a number of occasions by putting her under threat regarding which FIR has been lodged. Subsequently, the prosecutrix was recovered from custody of this applicant.
6. Considering on the statement that has been given by the prosecutrix in the investigation and also on the submission made on behalf of the applicant by his counsel, I am of the view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
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