

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5590 of 2020**

- Dharmendra Nishad, S/o Shri Panchuram Nishad, aged about 21 years, R/o Village Nagabada, PS Gariaband, District Gariaband (CG)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Gariaband, District Gariaband (CG)

---- Non-Applicant

For Applicant : Mr. Pragalbha Sharma, Advocate.
For Non-Applicant : Mr. Vikram Sharma, Deputy GA.

Proceeding Through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****30/09/2020 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.217/2019 registered in Police Station : Gariaband, District Gariaband for offence under Section 363, 366 & 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The applicant allegedly abducted the prosecutrix and committed forcible sexual intercourse for period of about a week from 5.9.2019 to 11.9.2019.
3. Learned State Counsel would oppose the bail application.

4. In her statement recorded under Section 164 CrPC, the prosecutrix would state that she had an affair with the applicant for about a year prior to the date of incident and on the request of the applicant, she reached the desired place and they eloped and went to Santoshi Nagar, Raipur where they stayed for about a week in a rented accommodation. At this place the prosecutrix was informed that her father has lodged a report against the applicant, on which they returned to the village. The prosecutrix is aged about 17 years 8 months.
5. Considering the prior affair between the applicant and the prosecutrix and her statement under Section 164 CrPC and for the fact that the applicant is in jail since 16.9.2019 i.e. for more than a year, this Court is inclined to release the applicant on bail.
6. Accordingly, the application 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 for 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.

Sd/-
Judge
(Prashant Kumar Mishra)