

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7866 of 2019**

- Nitish Kumar Kshatriya S/o Shri Sharad Kumar Kshatriya, aged about 24 years, R/o Fathamuda Chowk, Jute Mill Raigarh, Out Post Jutemill, P/S City Kotwali, Tahsil and District Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer of the Police Station – Sarangarh and District Raigarh (C.G.)

---- Respondent

For Applicant	:	Shri Abhishek Saraf, Adv.
For Respondent	:	Shri Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/01/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.245/2019, registered at Police Station – Sarangarh, District Raigarh (C.G.) for the offence punishable under Sections 363, 366, 368, 376(2)(k)(n), 506 Part 2 IPC, Section 6 of the POCSO Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The prosecution story, in brief, is that father of the prosecutrix lodged a report at police station stating therein that his daughter aged about 15 year is missing from 31.05.2019. He said that he had searched her at own level but of no avail. During the course of investigation, it was revealed that the prosecutrix is with the boy namely Nitish Thakur (present applicant) who was sitting in the village hotel situated near roadside. The statement of the prosecutrix was recorded in which she states that the applicant committed

sexual intercourse with her. Based on this, offence has been registered. The present applicant has been taken into custody on 03.06.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the statement of the prosecutrix was recorded with pressure to implicate the applicant. The medical report of the prosecutrix is also nil. It is next submitted that the applicant is in custody since 03.06.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. Pursuant to order dated 03.12.2019 of this Court, the prosecutrix along with her grand father complainant is also present before this Court in person and submits that the applicant may be granted bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 03.06.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde