

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 399 of 2021**

Parmesh Kumar Nishad, S/o. Umendra Kumar Nishad, aged about 20 years,
R/o. Village Bhursidongari, Tahsil and District Dhamtari Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police of Police
Station Arjuni, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Akhtar Hussain, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**24/02/2021**

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.487/2020, registered at Police Station – Arjuni, District – Dhamtari (C.G.) for the offence punishable under Section 363, 366, 376, 506 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegation of the prosecutrix in her statement under Section 161 and 164 of Cr.P.C. are

false, therefore, the prosecutrix has appeared before the Sessions Court and made statement of no objection in grant of bail, which was not considered. There is no case against this applicant. He is in jail since 05.12.2020. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear and categorical statement of the prosecutrix against this applicant regarding commission of offence of rape, abduction etc. Therefore, he has no case for grant of bail.
4. The minor prosecutrix is present in person before this Court on notice and she has stated that she has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case it is alleged that this applicant abducted the minor prosecutrix on the date of incident and then by use of physical force putting the prosecutrix under threat exploited her sexually. Hence, this case.
7. Considered on the submissions and the facts of the case. Considering that the prosecutrix has appeared before the Sessions Court and also before this Court and she has made statement of no objection in favour of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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

Balram