

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1483 of 2021

1. Gopi Nishad S/o Shravan Nishad Aged About 20 Years R/o Bijradih, Police Station Gidhpuri, District Balodabazar Bhatapara Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Though Station House Officer, Police Station Gidhpuri, District Balodabazar Bhatapara Chhattisgarh
2. Dev Kumar Dhritlahre S/o Late Mohan Das Dhritlahre Aged About 42 Years R/o Bijradih, P. S. Gidhpuri, District Baloda Bazar-Bhatapara Chhattisgarh

....(Father Of Victim /complainant)

---- Respondents

For Applicant	Mr. Satya Prakash Verma, Advocate
For Respondent /State	Mr. Rajendra Tripathi, Panel Lawyer

Hon'ble Mr. Justice Prashant Kumar Mishra

Order on Board

18/3/2021

1. Heard.
2. The applicant has preferred this second bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.50/2020 registered at Police Station Gidhpuri, District Baloda Bazar-Bhatapara

(CG), for the offence under Sections 363, 366 & 376 of the Indian Penal Code; Sections 4, 17 & 18 of the POCSO Act; and Section 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The first bail application bearing MCRC No.4874 of 2020 has been dismissed as withdrawn by order dated 2-9-2020 granting liberty to move duly constituted application.
4. Applicant has allegedly abducted the prosecutrix, aged about 16 years 11 months, and detained her for about three days during which she was subjected to sexual intercourse on promise to marry.
5. Learned counsel for the State, *per contra*, would oppose the bail application.
6. Father of the prosecutrix lodged a report of missing person against unknown person. The prosecutrix has already been examined before the trial Court. In her deposition she is not alleging that the applicant committed sexual intercourse on promise to marry. She admits of knowing the applicant as they were involved in conversation through mobile phone. She is not stating that the applicant committed sexual intercourse against her wishes. It is also stated in her deposition that when she desired to return to her house the applicant himself called the police by dialing '100'.
7. Considering the entire facts situation of the case, particularly considering the fact that the applicant is in jail since 10-6-2020; and the prosecutrix has already been examined, I am of the opinion that present is a fit case to release the applicant on regular bail.

8. Accordingly, the bail 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 in 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.
9. Certified copy as per rules.

Sd/-
(Prashant Kumar Mishra)
Judge

Gowri