

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4899 of 2021

- Shivshankar Kashyap S/o Padam Kashyap, Aged About 19 Years, R/o Bharni Patel Para, Police Station and District Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Benoor, District Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Kishore Narayan, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Shri Ashish Beck, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 20-03-2020 in connection with Crime No.16/2020 registered at P.S. - Benoor, District Narayanpur, Chhattisgarh for the offence under Section 363, 366 (क), 376, 34 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 20-03-2020. In fact, there had been love affair between the applicant and the prosecutrix. Only because of some dispute the false FIR has been lodged. At present, marriage has been negotiated of the applicant with the prosecutrix, therefore, the complainant side has now no objection in grant of bail to the applicant. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. are clearly against this applicant, therefore, he is not entitled for

grant of bail.

4. Learned counsel for the complainant has submitted that the complainant side has no objection in grant of bail to the applicant and a written application making statement of no objection is also filed in support of this application.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and also exploited her sexually on more than one occasion until she was recovered by the police.

7. Considered on the submissions. Taking into consideration the submission that marriage of the applicant with the prosecutrix is negotiated and also that the complainant side has no objection, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge