

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4884 of 2021

- Ravi Nishad @ Babu Nishad S/o Ramesh Nishad Aged About 22 Years
R/o Ganjpara, Near Water Tank, Police Station Ganj, Raipur, District
Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station
Ganj, District Raipur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate.

For Non-applicant/State : Mr. Shakti Singh, Panel Lawyer.

For Complainant : Mr. Govind Dewangan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

06-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 11.05.2021, in connection with Crime No.196/2020, registered at Police Station- Ganj, District- Raipur, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 04 and 06 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The statement of prosecutrix under Section 164 of Cr.P.C. does not make any kind of allegation against this applicant. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the statement of prosecutrix under Section 161 of Cr.P.C. is clearly against the applicant, therefore, the application may be rejected.

4. Learned counsel Shri Govind Dewangan, appearing on behalf of complainant submits that complainant has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on pretext of marrying her and then he performed marriage with her in temple. Subsequent to which, he had physical relation with the prosecutrix, who being a minor was incapable of giving any valid consent. Hence, this case.
7. Considered on the submissions. Looking to the statement of prosecutrix under Section 164 of Cr.P.C. and also that the complainant has no objection in grant of bail to the applicant, 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