

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7395 of 2021

Prabhas Nihal S/o Murli Nihal Aged About 22 Years R/o Jethu Pali
Uddhanband, Police Station Komna, District Nawapara, Orrisa. At
Present Nearby Satnam Bhawan, Government School, Gondwara,
District Raipur, Chhattisgarh. ---- **Applicant**

Versus

State of Chhattisgarh through Police Station Mandir Hasaud, Raipur,
District Raipur, Chhattisgarh. ---- **Respondent**

For the applicant	:	Mr. Pushkar Sinha Advocate.
For the Respondent	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.12.2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 161 of 2020 registered at Police Station Mandir Hasaud, Raipur, Distt. Raipur (C.G) for the offences punishable under Sections 363, 366, 376, 376(2)(n) of the IPC and section 6 of the POCSO Act.
2. As per the prosecution case, on 20.05.2020 the applicant has enticed away the minor girl from the lawful custody of her parents and performed marriage and thereafter she was sexually exploited. Subsequently she came out from the custody of applicant and went to the Police Station on 29.12.2020. Thereafter on investigation, the offence has been registered.
3. Learned counsel for the applicant would submit that the statement under section 164 of Cr.P.C., was recorded before

the court below wherein she has completely disowned the incident and her date of birth is shown to be 10.12.2003 thereby she is aged about 16 years and 5 months. He further submits that in her statement u/s 164 CrPC, she has stated that she herself went to the house of the present applicant and the applicant has not allured the victim.

4. Per contra, learned State Counsel opposes the bail application and submits that before this Court also, the parents of the victim objected to grant of bail.
 5. Perused the statement of victim under section 164 of Cr.P.C. it shows that she herself accompanied the present applicant and the allegation of forcible sexual intercourse has also been denied.
 6. Taking into consideration the cumulative facts and the background of the case, I am inclined to allow the bail application.
 7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**