

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8688 of 2020

Prem Nirmalkar @ Tinki, S/o Manoj Nirmalkar, Aged About 19 Years,
R/o Shiv Nagar, Rajeev Nagar, Durg, Tahsil & District- Durg (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station-
Durg, District- Durg (C.G.)

--- Respondent

For Applicant	:	Mr. Avinash Chand Sahu, Advocate.
For State/ Respondent	:	Ms. Veenu Sharma, Panel Lawyer.
For Objector	:	Mr. Resham Lal Jaiswal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20/01/2021

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. 748/2020, registered at Police Station- Durg, District- Durg (C.G.) for the offence punishable under Section 376(2)(1), 506 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 31.10.2020 and has been falsely implicated in this case. There had been love affair between the applicant and the

prosecutrix. Father of the prosecutrix has lodged false FIR against the applicant. No case is made out against the applicant, hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the evidence present show that the applicant has committed offence of rape against the minor prosecutrix of age about 14 years, therefore, no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
4. Learned counsel for the complainant/objector submits that the complainant has no objection in grant of bail to the applicant. A compromise has been taken place and the applicant and the prosecutrix both are going to get married.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that the applicant met with the prosecutrix on 25.08.2020 and then, expressed his love and also proposed to marry with her. Subsequent to which, he forcibly established physical relation with her after keeping her under threat.
7. Considered on the submissions and the facts present in this case. Although, there are allegations against the present applicant, but, the complainant side has no objection in grant of bail to the applicant, for this reason, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun