

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8034 of 2021

Rikesh Nirmalkar S/o Shri Santu Nirmalkar Aged About 21 Years Through P/s
Vidhansabha District Raipur Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through P/s Vidhansabha District Raipur Chhattisgarh.
---- Non-Applicant

For Applicant: Shri Pushkar Sinha, Advocate.
For Non-Applicant/State : Shri Vaibhav Kartik Agrawal, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

29.10.2021

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.42/2021 registered at Police Station – Vidhansabha District – Raipur, Chhattisgarh for the offence punishable under Sections 363, 366, 376 IPC and under Section 6 of POCSO Act.
2. Prosecution case in brief is that on the complaint of the parents regarding the missing of the minor prosecutrix, the police investigated and recovered her from the custody of the present Applicant.
3. Learned counsel for the Applicant submits that the present Applicant is innocent and has been falsely implicated in the crime in question. He further submits that it is a case of love affair, the marriage has already took place and the prosecutrix has given her consent to release the Applicant before the lower Court, the Applicant is in jail since 05.02.2021 and

therefore, he may be released on bail.

4. Per contra, learned Counsel for the State opposed the bail application.

5. Considering the facts and circumstances of the case, the fact that the prosecutrix has given her consent today before this Court through video conference stating that she has no objection if the Applicant is granted bail, the period of detention, charge sheet has also been filed and the trial is likely to take some time for its conclusion, I am inclined to grant regular bail to the Applicant.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- 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. In case any default is committed by the Applicant in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya