

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8906 of 2020**

Ritesh Kumar Nishad @ Golu S/o Janak Ram Nishad Aged About 21 Years
R/o Station Para Temri, Police Station Mana Camp, Raipur District Raipur
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Mana
Camp, Raipur District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri C.R. Sahu, Advocate.
For the Respondent/State : Shri Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.03.2021**

Heard.

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.148 of 2018, registered at Police Station – Mana Camp, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 11.8.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. She willingly left and

resided with the applicant for about one year and then because of some dispute she left this applicant and started residing with one Vikram. The prosecutrix has also performed marriage with Vikram and she is having pregnancy. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix had been minor on the date of incident, therefore, any consent or willingness on her part does not absolve the applicant from guilt. Hence, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on 4.7.2018 and kept her in his custody till the month of November, 2019 during which, he exploited her sexually on numerous occasions. A missing report was lodged by the father of the prosecutrix on that basis, the prosecutrix was recovered and as per the statement given by her the offences have been registered against the applicant.

6. Considered the submissions and the documents present in this case. Looking to the statement given by the prosecutrix during investigation, I feel inclined to grant regular bail to the applicant.

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

8. It is directed that 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge