

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4673 of 2016

- Parmeshwar S/o Shakun Ram Aged About 25 Years R/o
Jamdih, P.S. & Tahsil - Lundra, District - Surguja Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Lundra, District
Surguja Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. Sunil Tripathi, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.08.2016

1. This is first bail application filed u/s Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 56 of 2016 registered at P.S. Lundra, Distt. Surguja (C.G) for the offence punishable u/ss 363, 366, 376, 342 of IPC & Section 5 (Tha)/6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was lodged by the prosecutrix that prior to two years from 29.05.2016 while the prosecutrix was standing in front of her house at that time the applicant came there and took her inside a *Badi* where he committed sexual intercourse with her on the pretext of marriage and thereafter when she became pregnant, he kept her in his house and thereby the applicant enticed away the girl and sexually exploited her.
3. Learned counsel for the applicant would submit that the report was made after two years of the incident and no evidence is on record to connect the applicant with the crime

and false allegations have been attributed. He further submits that a child was born and thereafter the dispute arose when the child was given on adoption to someone else. He further submits that virtually no offence has been committed.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of prosecutrix.
6. Considering the nature of allegations and the period of time which has elapsed and also taking into the statement of prosecutrix u/s 164 of Cr.P.C., without any further observation on merits of the case, I am inclined to allow this 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. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**