

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4955 of 2017**

Permashwar Chouhan S/o Perdeshi Chouhan, aged about 21 years,
R/o Village Gordha, Thana Kasdol, District Baloda Bazar Bhatapara
Chhattisgarh at present R/o Chorasiya Colony, House of Pandey,
Thana Tikrapara, District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through the Police Station Thana Tikrapara,
District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Deepak Jain, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 370/2015 registered at Police Station Tikrapara, District Raipur (CG) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 3 & 4 of Protection of Children from Sexual Offences Act.

2. The prosecutrix in the instant case is aged about 15 years one month. The applicant is said to have abducted the prosecutrix and kept her under his custody for about 1 ½ years.

3. Counsel for the applicant submits that the prosecutrix in the instant case went along with the applicant on her own will because of relationship that the two had. He submits that the applicant is said to have married her and they were living as husband and wife for a period of over 1 ½ years

during which a child was also born to them on account of the said relationship. Thus, prayed for releasing the applicant on bail.

4. State counsel, however, opposing the bail application submits that it is a case where the prosecutrix as per the Dakhila Kharij Register was aged about 15 years one month and she was admittedly a minor at the time of incident. Therefore, whatever consent that she must have given is of no consequence. Thus, prayed for rejection of the bail application.

5. Considering the entire facts and circumstances of the case particularly the age of the prosecutrix for which there is an evidence as far as the Dhakhila Kharij Register is concerned, this Court is not inclined to release the applicant on bail.

6. Accordingly, the present bail application filed under Section 439 CrPC stands rejected.

Sd/-

(P. Sam Koshy)
JUDGE