

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 7433 OF 2017

Pokhraj Verma, S/o Shri Parasnath Verma, aged 19 years R/o Gram Daihandih, Thana, Sa/Lohara, Distt. Kabirdham (CG).

... Applicant

Versus

State of Chhattisgarh Through Police Station Sa/Lohara, Distt. Kabirdham, Chhattisgarh.

... Respondent

For Applicant	:	Shri Anurag Dayal Shrivastava, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy. GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/12/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 05.10.2017 in connection with Crime No.227 of 2017 registered at Police Station Sa/Lohara, Distt. Kabirdham, for the offence punishable under Sections 363,376 IPC and Sections 3 & 4 of POCSO Act.
2. As per prosecution, the applicant knowing fully well that the prosecutrix was minor, is said to have abducted and taken her to different places and also had physical relationship with the prosecutrix on various occasions.
3. Learned Counsel for the applicant submits that the prosecutrix in the instant case is more aged around 17 years and 9 months and that as per Aadhar Card, she is major. Further, her 161 Cr.P.C statement clearly reveal that she had voluntarily gone along with the applicant to different places and had given consent for physical relationship. They had love affair and therefore decided to elope from the house

and stay together, and therefore the applicant may be released on bail.

4. State counsel opposes the bail application on the ground that the prosecutrix was minor.
5. Considering the facts and circumstances of the case particularly taking note of the age of the prosecutrix who is 17 years and 9 months and applicant, who is also a young boy of 19 year, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-

(P. Sam Koshy)
Judge