

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5863 of 2017**

- Parmjeet Singh S/o Gurmeet Singh, Aged About 20 Years R/o Village Poudi Bhatha Akaltara, Police Station & Tahsil Akaltara, District Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Supela, District Durg, Chhattisgarh.

---- Respondent

For applicant	: Shri Ravi Bhagat, Advocate
For respondent/State	: Shri Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****27.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 10.5.2017 in connection with Crime No.385/2017, registered at Police Station Supela, Distt. Durg (CG) for the offence punishable under Sections 363, 366, 368 read with Section 34 of the Indian Penal Code and under Sections 17 & 18 of Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. As per the prosecution story, it is alleged that the applicant kidnapped the prosecutrix from her lawful guardianship for compelling her to marry him.

3. Learned counsel for the applicant submits that the applicant has not used any force against the prosecutrix therefore, offence as levelled against the applicant is not made out.

4. On the other hand, learned counsel for the State opposed the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Date of birth of the prosecutrix is 18.7.2003 and the date of incident is 09.5.2017. On the date of incident, the prosecutrix was less than 14 years and was minor. As per Section 2 of the POCSO Act, the prosecutrix is a child.

7. Looking to the statement of the witnesses recorded under Section 161 CrPC and other material placed on record, it prima facie appears that the accused/applicant kidnapped minor prosecutrix to compel her to marry him. As she is a child, there is prima facie case under POCSO Act. Ground of defence will be decided by the trial Court after hearing the parties. Looking to the prima facie evidence, it is not a fit case to grant bail to the applicant.

8. Accordingly, bail application filed under Section 439 CrPC is hereby rejected.

Sd/-

(Ram Prasanna Sharma)

JUDGE