

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4597 of 2017

- Parmeshwar @ Pannu Barle S/o Faguwa Ram Barle, Aged About 22 Years R/o Village: Newaspur, Police Station Gandai, District- Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gandai, District- Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Abhishek Sharma, Advocate.
For Respondent/State	:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/10/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 45/2017, registered at Police Station- Gandai, District – Rajnandgaon(C.G.) for the offence punishable under Sections 363, 366 and 376 of Indian Penal Code (for short 'IPC') and Sections 4, 5 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Prosecutrix in this case had been a consenting party, as per her statement under Section 161 and 164 of Cr.P.C. although the age of prosecutrix is shown in the investigation as below 18 years, hence, applicant be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that prosecutrix had been a minor on the date of incident because of which the gravity of offence alleged to have been committed by the applicant has increased, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Considering the submissions and the contents of the case diary and particularly the statement of prosecutrix under Section 161 & 164 of CrPC, I am of this view, that this is a fit case where the applicant should be enlarged on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge