

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3918 of 2018

- Poonam Kaushik S/o S/o Dwarika Kaushik Aged About 20 Years R/o Bhathkundera, P. S. Lohara, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. S. Lohara, Civil And Revenue District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For the applicant. : Mr. Chandrabhushan Keshwarwani,
Advocate.

For the respondent/State : Mr. Sanjeev Pandey, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

25-6-2018.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 19-3-2018 in connection with Crime No. 54 of 2018 registered at Police Station S. Lohara, District Kabirdham (CG) for the offence punishable under Sections 363, 366, 376 of the IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. The case of the prosecution, in brief, is that present applicant abducted the prosecutrix on the pretext of marriage and took her to different places and committed sexual intercourse with her against her will and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the date of birth of prosecutrix is 21-12-201 and as per prosecution case, date of incident is 5-3-2018. He would further submit in the statement of the prosecutrix recorded under Section 164 of Cr.P.C, she has stated that she voluntarily visited various places with the applicant. He would further submit that the applicant has been falsely implicated in this case, prosecutrix was a consenting party and the applicant is in jail since 19-3-2018 and no further custodial

interrogation of the present applicant is required by the prosecution, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, pre-trial detention of the applicant and further considering the statement of the prosecutrix recorded under Section 164 of the Cr.P.C, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju