

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3949 of 2018

Premal Verma S/o Manaram Verma, aged about 18 years R/o Village-Charouda, Police Station- Kasdol, District- Baloda Bazar- Bhatapara (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Police Station, Kasdol, District- Baloda-Bazar-Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. Amiyakant Tiwari, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

13/07/2018

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 179/2018 registered at Police Station- Kasdol (C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 3 & 4 of POCSO Act.
2. As per prosecution story on 18/04/2018, the father of the prosecutrix namely- Mohar Das had lodged a report against the present applicant that he had taken away his daughter on 17/04/2018. It is alleged that on 17/04/2018, the prosecutrix, a minor girl, on the date of incident was allured by the applicant and was taken away from the lawful guardianship of her parents. It is further alleged that the present applicant has committed sexual intercourse with her in course of her abduction. Police has registered the FIR and the prosecutrix was

recovered from the possession of the applicant.

3. Learned counsel appearing on behalf of the applicant submits that there was love relation between the applicant and the prosecutrix. The prosecutrix herself had left her house. She was above 16 years of age at the time of incident. In her statement recorded under Section 164 of Cr.P.C., she has not supported the case of the prosecution. He further submits that the applicant is in custody since 19/04/2018, therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that on the date of incident, the prosecutrix was below 16 years of age, therefore, consent of the prosecutrix has no relevance. He prays for rejecting the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that in the statement recorded under Section 164 of Cr.P.C, the prosecutrix has stated that the applicant has committed sexual intercourse with her and as per prosecution story, she was below 16 years of age at the time of incident, at this stage, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
Judge
Arvind Singh Chandel