

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4202 of 2018

- Parmeshwar Chouhan S/o Shri Lalit Ram Chauhan Aged About 18 Years
By Caste- Chikwa, R/o- Village- Kakiyakhar, Police Outpost- Kotba,
Thana- Bagbahar, Civil And Revenue District- Jashpur (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station-
Bagbahar, District- Jashpur (CG)

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Mr. Vivek Sharma, Government Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

02/07/2018

1. This is the first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested on 18.4.2018 in connection with Crime No.41/2018 registered at Police Station Bagbahar, District Jashpur (CG) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 19.3.2018 present applicant enticed away the minor prosecutrix from the lawful custody of her parents and thereafter committed sexual intercourse with her against her wish.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the offence. He further submits that the prosecutrix of her own accompanied the applicant and visited with

him at several places including Mumbai. There is no conclusive evidence regarding age of the prosecutrix and as per prosecution case, she was 17 years & 4 months of age. Hence, he prayed that the applicant may be released on regular bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail.
5. Taking into consideration the facts and circumstances of the case, in particular the nature of allegation levelled against the applicant, but without commenting anything on the merits of case, I am inclined to release the applicant on regular bail.
6. Accordingly, it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety in the like sum to the satisfaction of the trial Court concerned. He is directed to appear before the trial Court concerned on each and every date given by the said Court.
7. Certified copy as per rules.

Sd/-
(Pritinker Diwaker)
Judge

roshan/-