

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 7980 of 2018**

Trilok Kumar Sahu S/o Lukeshwar Sahu, Aged About 21 Years, R/o
Village Kokdi, Police Station Gariyaband, District Gariyaband
Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Gariyaband ,District
Gariyaband Chhattisgarh

---- Respondent

For Applicant	:	Shri Raza Ali, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15/11/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 23.07.2018 in connection with Crime No. 147/18 registered at Police Station - Gariyaband (CG) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 6 of POCSO Act.

2. The case of the prosecution is that the present applicant knowingly fully well that the prosecutrix is a minor is said to have abducted her from her house and took her to different places and there it is said that the applicant had physical relationship with her.

3. Counsel for the applicant submits that the prosecutrix in the instant case was more than 17 years of age and that the applicant was also a young

boy around 20-21 years. The submits that there was a love affair between the two and they had jointly eloped from the house and there was no pressure, coercion or force put by the applicant on the prosecutrix while the alleged offence is said to have committed. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that if the contention of the applicant is to be accepted even then it is of no consequence as the prosecutrix was a minor on the date of incident and therefore the applicant does not deserve to be released on bail. He further drew the attention of the Court to the Statement of the prosecutrix made under Section 164 of CrPC where the prosecutrix has specifically alleged the present applicant of having committed sexual intercourse with her on two earlier occasions.

5. Having heard the contentions put forth on either side and on perusal of the record particularly taking into consideration the age of the prosecutrix and also the applicant and the statement of the prosecutrix under Section 164 of CrPC and also considering the period of custody undergone, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**