

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1588 of 2020

Parmeshwar @ Peelu Dhiwar, S/o. Maniram Dhiwar, aged about 23 years,
R/o. Towards Nice Bakery, Boriyakhurd, Police Station Tikrapara, District
Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station
Tikrapara, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/07/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.699/2019, registered at Police Station – Tikrapara, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4/6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix was not minor on the date of incident and there is love affair between the applicant and the prosecutrix. The applicant is in jail since 09.01.2020. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix was only 15 years and 3 months on the date of incident and there is evidence about her sexual exploitation by the applicant, therefore, the applicant may not be released on bail.
4. Notice issued to the complainant for hearing date 23.06.2020 was returned served, but there had been no appearance or representation on behalf of the complainant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and then he has kept her in his custody and exploited her sexually on number of occasions till she was recovered by the police.
7. Considered on the submissions made and also the statement that has been given by the prosecutrix under Section 161 of Cr.P.C., this Court

is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall 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 as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram