

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 428 of 2020

Parmanand Chouhan S/o Jagdev Ram Chouhan, Aged About 24 Years Caste Chik, R/o Baro, Police Station Farsabahar, District Jashpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Patthalgaon, District Jashpur Chhattisgarh

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

For Respondent/State : Mr. Mateen Siddiqui, Additional A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

17/06/2020

1. The applicant has filed this second bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 131/2018, registered at Police Station Patthalgaon Distt. Jashpur (C.G.) for the offence punishable under Sections 363, 366-A, 343, 376, 506, 294, 34 of the IPC and Section 4 of the POCSO Act.
2. First bail of the Applicant was dismissed for want of prosecution vide order dated 24.02.2020 passed in MCRCA No. 1743/2019.
3. According to the case of prosecution, at the relevant time age of the prosecutrix was below 18 years. On 30.05.2018, a report has been lodged by father of the prosecutrix alleging therein that the applicant by allure her daughter, abducted her and taken her with him. Allegedly, on the pretext of marriage, the applicant committed sexual intercourse with the prosecutrix, on the basis of said report, offence has been registered against the applicant. During course of investigation, the prosecutrix was recovered and her statement was recorded.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that there was a love relationship between the applicant and the prosecutrix due to that the prosecutrix herself left her

house on her own will. The Counsel further submits that on 19.06.2019, they both have performed marriage also before the Registrar of Marriage at Jashpur (C.G.) and presently the prosecutrix is pregnant and having a child of the applicant in her womb. The Counsel lastly submits that there is no conclusive evidence available on record regarding age of the prosecutrix, therefore, prima facie no case can be made out against the applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the applicant and the prosecutrix have performed marriage with each other. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge