

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5051 of 2020**

- Lallu @ Parmeshwar S/o Shri Kamla Prasad Tandan Aged About 25 Years
Occupation Truck Driver And Former, Caste Satnami, R/o Village Binauridih,
Police Station Pachpedi, Civil And Revenue District Bilaspur Chhattisgarh

----Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station
Masturi, Civil And Revenue District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Mr. Paras Mani Shriwas, Advocate.
For State	:	Mr. Alok Bakshi, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****22/09/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.348/2018 registered at Police Station- Masturi, District- Bilaspur, C.G. for the offence under Sections 363, 366 & 376 of IPC and Sections 4 & 6 of the POCSO Act.
2. Prosecution case is that the applicant abducted and committed rape on the prosecutrix.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case. Prosecutrix statement and circumstances clearly show that the applicant and the prosecutrix were having an affair and they married also and also blessed with the child. He would submit that if the applicant remains in jail, it will be against the interest of the prosecutrix and child both, wife would be deprived of the company of the husband and children would also face difficulty without patronage of the father. It is next submitted that in these circumstances when the parents of the prosecutrix have also stated no objection before the trial Court, the applicant may be granted bail.

4. On the other hand, learned State Counsel opposes and submits that according to the prosecution documents, the prosecutrix was minor on the date she was abducted by the applicant. Her date of birth is 03.08.2004, and therefore, even now she is hardly 16 years of age.
5. Having considered the submissions of learned counsel for the parties, particularly taking into consideration the age of the prosecutrix, present is not a fit case for grant of bail.
6. The bail application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi