

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5250 of 2020

- Parmeshwar Kumar Bhoy, S/o Kanhai Singh Aged About 30 Years, R/o Village Kenvtijhar, Post Dulla, Police Station- Chhura, District- Gariyaband, Chhattisgarh. (Real Name Of The Applicant Is 'Parmeshwar Kumar Bhoy'. The Middle Name 'kumar' has been omitted in the heading of the impugned order)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Chhura, District Gariyaband, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mohd. Afroz Athar, Advocate
Shri Vikram Sharma, Dy. GA

Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

17/09/2020

1. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.43/2020, registered at Police Station Chhura, District Gariyaband (C.G.) for the offence punishable under Sections 363, 366 & 376 (2) of IPC and Sections 4 & 6 of the POCSO Act.
2. The applicant and the prosecutrix eloped and went to District Gonda (U.P.) to work in a brick kiln. At this place, the applicant committed forcible sexual intercourse with the prosecutrix.

3. It is argued that there was love affair between the applicant and the prosecutrix, therefore, the applicant is entitled to be released on bail.
4. The statement of the prosecutrix recorded under Section 164 of CrPC was read over by learned State counsel.
5. Considering the age of the prosecutrix, this Court is not inclined to release the applicant on bail at this stage.
6. Accordingly, the bail application is rejected. However, liberty is reserved to revive the prayer after examination of the prosecutrix.

Sd/-
Prashant Kumar Mishra
Judge

Nirala