

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No.5392 of 2020**

- Bhuneshwar, S/o Govind Sahu, Aged About 21 Years, R/o Village Paraskol, Post Rauda, Tahsil and Police Station Dhamdha, District Durg, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh

**---- Respondent**

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For Applicant  
For Respondent

Shri Abhishek Sharma, Advocate  
Shri Vikram Sharma, Dy. GA

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**Proceeding through Video Conferencing**

**Hon'ble Justice Shri Prashant Kumar Mishra**

**Order On Board**

**30/09/2020**

1. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.172/2020, registered at Police Station Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 376 & 506 of the IPC and Sections 4 & 6 of the POCSO Act.
2. The applicant and the prosecutrix had an affair for about one year and the applicant started sexual intercourse from 23.06.2020 to 29.07.2020. As on the date of incident, she was about 17 years of age. In her 164 CrPC statement, she had denied that the

applicant has committed any offence with her.

3. Learned State counsel would oppose the prayer for grant of bail.
4. Considering the varying statement of the prosecutrix in the FIR, 161 CrPC statement and in her statement recorded under Section 164 CrPC, this Court is inclined to release the applicant on bail.
5. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-  
Prashant Kumar Mishra  
Judge

Nirala