

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6731 of 2020

- Lakki Singh Parmar Son Of Maheshwar Singh Parmar Aged About 21 Years Residence Of Village Bhanaura, Thana Balrampur, District - Balrampur, Ramanujganj (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Balrampur, District- Balrampur Ramanujganj (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Vikash Pandey, Advocate.

For Non-applicant/State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 02.07.2020 in connection with Crime No.110/2020, registered at Police Station- Balrampur, District- Balrampur- Ramanujganj, C.G. for offence punishable under Sections 363, 366 and 376(2)(n), 34 of I.P.C., 1860 and Sections 04 and 06 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. The prosecutrix in this case is not minor. The prosecutrix has willingly accompanied and resided with the applicant but there had been no physical relation between them. The prosecutrix has appeared before the Sessions Court and made a statement that the applicant has not committed any offence and she has no objection in grant of bail to the applicant but she has not at all been considered. Therefore, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that as per the statement of the prosecutrix made under

Section 161 and 164 of Cr.P.C., it is clear that the applicant has committed offence of abduction and rape, hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant has abducted the minor prosecutrix on pretext of marrying her and then, by keeping her in his custody, he has exploited her sexually on numerous occasions regarding which this F.I.R. has been lodged. Hence, this case.
6. Considered on the submissions and the facts present in the case and also the statement of no objection made by the prosecutrix, which is mentioned in the rejection order, I am of this opinion that the applicant should be granted bail during the pendency of trial.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge