

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 684 of 2021**

- Loku Kurre S/o Nanhu Ram Kurre, aged about 21 years, R/o Village Dhursa, Police Station- Panduka, District Gariyaband, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: the SHO of police station Fingeshwar,, District Gariyaband, Chhattisgarh

-----Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent- State	: Mr. B.L. Sahu, Dy. Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****19/07/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 197/2020 registered at Police Station Fingeshwar, District Gariyaband (C.G.) for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Section 06 of POCSO Act, 2012.
2. Case of the prosecution is, that on 02.11.2020, father of prosecutrix lodged a missing report of her daughter to the concerned police station against unknown person, based on which, aforementioned crime was registered. During the course of investigation, on 24.11.2020, prosecutrix was recovered from the possession of present applicant, based on which, applicant was arrested in the crime for offence under sections 363, 366, 376(2)(n) of IPC and Section 6 of POCSO Act was registered.
3. Mr. Shivendu Pandya, learned counsel for the applicant submits, that even if the material collected by the prosecution is taken into consideration, prosecutrix, on the date of incident as alleged was 17 years 11 months and 27 days of age. He further submits that the prosecutrix herself in her

statement under section 164 of CrPC has stated that she accompanied the present applicant with her own will. He submits that looking to the age of prosecutrix as on the date of incident as alleged and the statement of prosecutrix, applicant may be enlarged on bail.

4. On the other hand, Mr. B.L.Sahu, learned State counsel, opposes the submissions made by the learned counsel for the applicant.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation, facts and circumstances of the case and the material collected by the prosecution, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court below on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge