

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4436 of 2021

- Parmeshwar Kumar Bhoy S/o Kanhai Singh, Age 30 Years R/o Village Kenvtijhar, Post Dulla, Police Station Chhura, District Gariyaband (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Chhura District Gariyaband Chhattisgarh

---- Respondent

For Applicant	Mr. Mohammad Afroz Athar, Advocate
For Respondent/State	Mr. VR Tiwari, Additional Advocate General with Mr. Chandresh Shrivastava, Dy. AG

Proceedings through Video Conferencing

SB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. CJ
Order On Board

30/7/2021

1. Heard.
2. This is the second application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.43/2020 registered at Police Station Chhura, District Gariyaband (CG) for the offence punishable under Sections 363, 366, 376(2) of the IPC and Sections 4, 6 of the POCSO Act.
3. The first bail application was dismissed with liberty to repeat the prayer after examination of the prosecutrix and now, she

has been examined vide Annexure A/3.

4. The applicant has abducted the prosecutrix, aged less than 18 years and committed forcible sexual intercourse on promise to marry. As per the material available in the case diary, the approximate age of the prosecutrix is 17 years 9 months. As per her own version, she was already performing labour work before she proceeded along with the applicant in search of livelihood and went to the State of Uttar Pradesh and stayed there for 3 months at a brick kiln, where the applicant's elder sister and brother-in-law were also residing.
5. Considering that the applicant is in jail since 2.7.2020 and the prosecutrix has been examined and as per her statement, they stayed as husband and wife for atleast 3 months before being brought back to the State of Chhattisgarh at the time of lock-down, I am inclined to release the applicant on regular bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in 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.
7. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)

Acting Chief Justice

Shyna