

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6335 of 2021**

Parmeshwar Thakur @ Parme S/o Suknath Thakur Aged About 24 Years
Caste Dhakad, R/o Village - Aalvahi, Saalebhatapara, Police Station
Lohandiguda, District Bastar, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Lohandiguda, District Bastar, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ramsajiwan, Advocate.
For the Respondent/State : Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.09.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.37 of 2021, registered at Police Station – Lohandiguda, District Bastar, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.7.2021 and has been falsely implicated in this case. The prosecutrix had been willing and consenting party, which is reflected from her statement under Section 164 of the Cr.P.C. and further, the prosecutrix was not minor on the date of incident. Hence, it is prayed that the applicant be enlarged on

bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor of age below 18 years on the date of incident, therefore, her consent or willingness is immaterial. Hence, the applicant is not entitled for grant of regular bail.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Jagdalpur. She made a statement that she has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, this applicant allured the minor prosecutrix with a promise to marry her and then abducted her, kept her in his custody for sometime during which, he exploited her sexually knowing well that she is not competent to give such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Looking to the statement given by the prosecutrix under Section 164 of the Cr.P.C. and the circumstances that are present, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge