

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6986 of 2021**

- Prem Kumar Chouhan S/o Padan Kumar Chouhan, Aged About 22 Years R/o Ward No. 02 Chapdiya Mohalla Palsood, Ps. Palsood, District Badwani, (M.P.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Balod, District Balod Chhattisgarh

---- Respondent

For Applicant : Shri Abhishek Pandey, Advocate

For Respondents/State : Shri Sanjay Pathak, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****16/12/2021**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 12.03.2021 in connection with Crime No.80/2021 registered at Police Station Balod, District Balod (CG) for the offence punishable under Sections 363, 366, 376 (2) (n) of IPC and Sections 4, 5-1 and 6 of POCSO Act.
3. As per the prosecution case, the applicant knowing full well that the prosecutrix is a minor took her to a different city and committed sexual intercourse against her will. They roamed different places of India.

4. Learned counsel for the applicant submits that the date of birth of the prosecutrix is 17.06.2003 and at the relevant time she was 17 years & 8 months i.e. almost 18 years and she herself went along with the applicant. He would further submit that before this Court on 21.10.2021 the prosecutrix has raised no objection to grant of bail to the applicant, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Considering the nature of allegation and also the fact that on 21.10.2021 no objection was raised by the prosecutrix and her father and also taking into that the charge-sheet in this case has been filed and no further investigation is necessary, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum 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/-

Goutam Bhaduri
Judge

Ashu