

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6816 of 2021

Poshan Lal Parasgiya, S/o. Chhannu Lal Parasgiya, Aged About 21 Years,
R/o. Radhonawagaon, Thana Devri, District Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Chhuikhadan, District
Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent : Mr. Anshuman Shrivastava, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.12.2021

1. 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 in connection with Crime No.292/2020 registered at Police Station- Chhuikhadan, District Rajnandgaon, for the offence punishable under Sections 363, 366, 376 (2) (n) of Indian Penal Code & under Section 5 (L) of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the applicant enticed away the minor girl from the lawful custody of the parents and thereafter committed sexual intercourse.
3. Learned counsel for the applicant would submit that the victim has made no objection as per the order dated 18.10.2021, she has been examined before the trial Court as PW-2 and she has not supported the case of the prosecution. Therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. In the proceeding before this Court, the victim has made no objection to grant bail and apart from that the statement of the victim which is placed on record would show that she has not supported the case of the prosecution and completely disowned the incident. Having considered the same, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
6. 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 trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge