

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6898 of 2021

Rameshwar, S/o. Dauram Vishwakarma, Aged About 21 Years, R/o. Village Kanakot, P. S. And Tahsil Palari, District Baloda Bazar-Bhatapara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P. S. Palari, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate

For Respondent : Mr. Sanjay Pathak, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.12.2021

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.269/2021 registered at Police Station- Palari, District Baloda Bazar- Bhatapara, for the offence punishable under Sections 363, 366(A), 342, 354(A)(II), 34 of Indian Penal Code, Section 8 & 18 of POCSO Act and Section 3(2)(5)(A) of S.C./S.T. Act.
2. As per the prosecution case, the applicant knowing the victim as minor girl enticed away from the lawful custody of her parents and thereafter traveled to difference places and stayed; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the victim was 17 years 9 months and few days, she herself was in the company of the present applicant and no forceful enticed away was done by the present applicant. He further submits that the victim has been examined before the Court below as PW-3 wherein no allegations

have been made against the present applicant, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. On 20.10.2021, before this Court, the father of the victim strongly objected to grant bail to the applicant.
6. Perused the statement of the victim/prosecutrix PW-3. Having considered the statement, without any further observation on the merit, as it appears that she has already been examined and prima facie taking into such statement, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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