

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7061 of 2021

Parmeshwar Sahu S/o Shri Heeralal Sahu Aged About 22 Years
R/o Village Dahiya Thana And Tahsil Nawagarh, District Janjgir
Champa Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Nawagarh, District Janjgir Champa Chhattisgarh

---- Respondent

For applicant - Shri Sumit Singh, Advocate.
For Respondent/State – Shri Ashutosh Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/12/2021

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.25/2021 registered in Police Station Nawagarh, Distt. Janjgir-Champa (C.G.) for offence punishable under sections 456, 376 of Indian Penal Code and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the prosecutrix on 11/01/2021 while she was major of 19 years and 6 months that she was subjected to rape on the pretext of marriage since 2018 while she was minor. Thereafter on the report offence has been registered.
3. Learned counsel for the applicant submits that the girl did not disclosed it during her minority about sexual intercourse to her mother or any guardian. He would submit that the fact of concealment of cohabitation cannot be brushed away and on attaining majority if the report is made it cannot be stated that the provisions of POCSO would be attracted and charge sheet has been filed, no further investigation would be necessary, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and read out the statement under Section 164 of Cr.P.C.

5. There is no dispute that the FIR was lodged at the age of 19 years and 6 months after passing away considerable part of majority. The submission of the applicant therefore has a bearing as to the concealment which is to be tested by the trial court. Taking into back ground of this case, the fact that during minority sexual intercourse was committed but report was made after considerable period of time, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE