

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7792 of 2021**

Paramjit Singh @ Sonu Sardar, S/o Gurmit Singh, Aged About 23 Years, R/o Podi Bhatha, Police Station Akaltara, District Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through, Police Station Kotwali Korba, District – Korba, Chhattisgarh

---- Non-applicant

 For Applicant : Shri Vikas Kumar Pandey, Advocate
 For Non-applicant/State : Shri Ashish Gupta, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****17.11.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 08.07.2021 in connection with Crime No.583 of 2020 registered at Police Station Kotwali, Korba, District Korba (C.G.) for commission of offence punishable under Sections 363, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 28.06.2020, prosecutrix called applicant and thereafter, she eloped along with applicant. Missing report was lodged by mother of prosecutrix on 29.06.2020, based upon which, FIR was registered. During the course of investigation, prosecutrix was recovered from possession of applicant at village Supela, Bhilai. Applicant was arrested on 08.07.2021.

3. Shri Vikas Kumar Pandey, learned counsel for the applicant would submit that applicant has not committed any offence. Applicant and prosecutrix were in love affair and performed marriage in temple and since then, they resided together. Applicant is in jail since 08.07.2021, hence, he may be enlarged on regular bail.
4. Shri Ashish Gupta, learned State Counsel opposing the submissions made by learned counsel for the applicant, would submit that prosecutrix on the date of incident was below 18 years of age and in view of statement of prosecutrix recorded under Section 161 of Cr.P.C., applicant is not entitled for benefit under Section 439 of Cr.P.C.
5. Prosecutrix and her mother appeared through virtual mode form District Legal Services Authority, Korba before this Court on 16.11.2021, on the date fixed for their appearance, they stated that they are having no objection in grant of bail to the applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration the entirety of facts and circumstances of the case, nature of allegations and submission made by complainant/mother of prosecutrix before this Court, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand

only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) He shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge