

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7802 of 2021

- Nandkishor Parik, S/o Dudram, Aged About 32 Years, R/o Village - Fhoga, Police Station - Baleri, District - Churu (Rajashthan) ---- **Applicant (In jail)**

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Of Police Station - Tumla, District - Jashpur Chhattisgarh ---- **Respondent**

MCRC No. 8314 of 2021

- Sushil Sharma S/o Rajkumar Sharma Aged About 37 Years Caste- Bramhan, R/o Shrisha Ward No.21, Gausala Mohalla, Police Station-Shirsha, District-Shirsha, Haryana ---- **Applicant (In jail)**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Tumla, District- Jashpur, Chhattisgarh ---- **Respondent**

MCRC No. 8361 of 2021

- Smt. Indovati Chauhan W/o Lagnu Ram Chauhan, Aged About 51 Years Caste Cheek, R/o Village Kolhenjhariya, Police Station Tumla, District Jashpur Chhattisgarh ---- **Applicant (In jail)**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tumla, District Jashpur Chhattisgarh ---- **Respondent**

For Applicants : Shri Sanjeev kumar Sahu, Advocate
For Respondent/State : Shri Raghavendra Verma, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

17.11.2021

1. As these three bail applications are arising out of same crime number, they are being disposed of by this common order.
2. Applicants have preferred these applications under Section 439 CrPC for grant of regular bail as they have been arrested in connection with Crime No.61 of 2019 registered at Police Station Tumla, District – Jashpur, Chhattisgarh for the offences punishable as mentioned below:

Applicant- Nandkishor Parik	Sections 363, 366 (फै), 370 and 376 of the IPC and Sections 4 and 5 of POCSO
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	(Protection of Children from Sexual Offences) Act, 2012
Applicant- Sushil Sharma	Sections 363, 370 and 376 and of the IPC and Sections 4 and 6 of POCSO (Protection of Children from Sexual Offences) Act, 2012.
Applicant- Smt Indovati Chauhan	Sections 363, 370 and 376 and of the IPC and Sections 4 and 6 of POCSO (Protection of Children from Sexual Offences) Act, 2012.

3. Case of prosecution is that on 16.12.2019, prosecutrix went to her Aunt- Indovati Chauhan, where she was introduced to Nandkishor Parik. Thereafter, prosecutrix went along with applicants to Delhi. Incident was reported by father of prosecutrix on 17.12.2019, based upon which, report was registered for aforementioned offences. During the course of investigation, prosecutrix was recovered from village-Fhoga, Bhartarari, Rajasthan from the possession of applicant-Nandkishor Parik. Based on statement of prosecutrix recorded by Police, applicants were arrested.

4. Shri Sanjeev Kumar Sahu, learned counsel for the applicants would submit that applicants have not committed any offence. Applicant- Nandkishor Parik performed marriage with prosecutrix and from their wedlock, she is having one girl child, aged about three months. He further submits that one of co-accused Ghuran Sai Paikara was enlarged on regular bail in MCRC-2620 of 2020 vide order dated 04.08.2020 by a coordinate Bench of this Court. Hence applicants may be enlarged on regular bail.

5. Shri Ashish Gupta, learned counsel for the State opposing the submission made by learned counsel for the applicant submits that age of prosecutrix on the date of incident was less than 15 years. Prosecutrix in her statement recorded under Sections 161 and 164 of CrPC stated that when she went to house of applicant- Indovati Chauhan, she introduced prosecutrix with applicant- Nandkishor Parik and all the three applicants along with her came to Delhi. Hence, applicants are not entitled for regular bail.

6. Prosecutrix and her father appeared through virtual mode from DLSA Jashpur on 16.11.2021 and stated that they have no objection in grant of bail to applicants.

7. I have heard learned counsel for the parties.

8. Taking into consideration nature of allegations levelled against applicants and age of prosecutrix, I do not find it a fit case to enlarge applicants on bail.

9. Accordingly, the bail applications are dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE