

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2033 of 2016

Raja Mangeshkar S/o. Dayaram Mangeshkar, aged about 25 years,
R/o. Kathauliya, Thana Dadhi, District Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Thana Dadhi, District Bemetara (C.G.)

---- Respondent

For Applicant	:-	Shri Samir Singh, Advocate
For Respondent/State	:-	Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.06.2016

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. 110/2015 registered at Police Station- Dadhi, District Bemetara (C.G.) for the offence punishable under Sections 363,366,376, of IPC and 4(wrongly mentioend as 06) of Protection of children from sexual Offence Act.
2. Case of the prosecution, in brief, is that on 27.10.2015, the applicant took away the prosecutrix from the lawful guardianship of their parents, thereafter, the applicant committed forceful sexual intercourse with the prosecutrix, thereby the offence has been committed.
3. Counsel for the applicant submits that the victim was more than 17 years old and she was able to understand her well being and the prosecutrix was in relationship with the applicant. He further submits that the applicant has been falsely implicated in this case

and he is in jail since 31.10.2015, therefore, the applicant may be enlarged on bail.

4. Counsel for the State opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix recorded under section 161 and 164 of Cr.P.C., taking into such positive statement, without any observation on merit, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Goutam Bhaduri)
Judge