

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Miscellaneous Criminal Case No. 5610 of 2017**

Prashant Kumar Das @ Pappi S/o Jogeshwar Prasad Das, aged about 20 years, R/o Ward No. 02, G. M. Complex, West Chirmiri, Podi Police Station Podi, Tahsil Baikunthpur, District Korea, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Podi, District Korea, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31/08/2017**

The applicant has preferred this application under Section 439 Cr.P.C. for grant of bail as he has been arrested in connection with Crime No. 67 of 2017 registered at Police Station Podi, District Korea (Chhattisgarh) for the offence punishable under Sections 366, 376(2)(ॢ) & 506 of IPC and Sections 5(ॢ), 6, 6(ॢ) & 17 of the Protection of Children from Sexual Offences Act.

2. The present is a repeat bail application. The earlier bail application was dismissed as withdrawn with liberty to file the same after charge sheet is filed vide order dated 14.06.2017. Now the repeat bail application has been filed on the ground that the allegation made by the prosecutrix cannot be accepted to be true.

3. Counsel for the applicant submits that there appears to be a huge delay in filing of the FIR and the said delay has not been properly explained. He submits that it appears that there was a consensual relationship between the two and subsequently, the prosecutrix has lodged a

complaint against the applicant. He further submits that the applicant is in jail since 4th of April, 2017 and therefore, considering all these facts, he may be released on bail.

4. On perusal of the record it reflects that the prosecutrix in her 161 CrPC statement has deposed against the applicant stating that right from the time when she was minor around 16 years, the applicant on the pretext of marrying her used to make physical relationship with her but subsequently, when she attained the age of majority, the applicant refused to marry her. Considering the statement of the prosecutrix, this Court is of the opinion that no strong case has been made out for grant of bail at this juncture.

5. Accordingly, the present bail application is rejected. However, liberty is granted to the applicant to revive the same after the statement of the prosecutrix is recorded before the Court below.

Sd/-
(P. Sam Koshy)
JUDGE