

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6434 of 2017**

Pradeep Patel S/o Johan Patel Aged About 24 Years R/o Sagar Para,
Ward No. 41, Thana Basantpur, District Rajnandgaon Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Thana City Kotwali, District
Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Samir Singh, Advocate.
For the Respondent/State	:	Shri U.K.S. Chandel P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.28 of 2017, registered at Police Station City Kotwali, District Rajnandgaon, Chhattisgarh for the offences punishable under Sections 363, 376, 506 and 341 of the Indian Penal Code and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The age of the prosecutrix on the date of incident is 17 years 11 months and 2 days. As per the statement of the

prosecutrix under Section 161 of the Cr.P.C., it appears that she had been a consenting party as she accompanied the applicant to the place of incident by riding on his motorcycle. The applicant is in jail since 25.6.2017 and the trial of the case is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statement of prosecutrix is clear and categoric against the applicant making out the offence as alleged. Further, it is submitted that the applicant has a history of criminal record having some cases registered against him for the offences under Indian Penal Code and also two proceedings under Section 110 of the Cr.P.C. which shows that he is habitual offender. Hence, it is prayed the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The facts of the case are that on the date of incident when the prosecutrix was on her way to recharge mobile, the applicant met her and by using force and threatening her took her to the place of incident and further putting her under threat committed rape and on the date of incident the age of the prosecutrix was below 18 years.

6. Considering the submissions made and the contents of the case diary, looking to the statement given by the prosecutrix under Sections 161 and 164 of the Cr.P.C. and also looking to the criminal record of the applicant,

I am of the view that this is not a fit case where the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge