

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1220 of 2018

- Ame Lal Gond @ Amelal S/o Ramayan Gond aged about 27 years, Resident of Rava, P.S. Katghora, District- Korba (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S. Katghora, District- Korba (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. F. S. Khare, Advocate.
For Respondent/State	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/04/2018

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.66/2017 registered at Police Station– P.S. Katghora, District– Korba (C.G.) for the offence punishable under Sections 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 07.03.2017. After completion of investigation, charge-sheet has been filed and trial is still pending before the trial Court. Hence, it is prayed that he may be released on bail.
3. Learned State counsel opposes the bail application and submissions made in this respect that the prosecutrix, in this case is a minor girl

and there is clear cut allegation levelled against the applicant made by the prosecutrix herself and also by the other prosecution witnesses, hence no case is made out for grant of regular bail to the applicant.

4. Heard both the parties and perused the case diary.
5. As per the case of prosecution, the prosecutrix was aged about 15 years on the date of incident, the applicant used to approach her on number of occasions and make proposals to marry her, which she refused repeatedly, even then, on one day finding again the prosecutrix alone, he committed sexual intercourse with her in the fields and continued to do so on number of occasions by alluring her with false promise of marriage. Thereafter, on his refusal to marry the prosecutrix, the FIR was lodged.
6. On perusal of the material present in the case diary, it is apparent that the age of the prosecutrix was below 18 years on the date of incident and her submission made to the applicant for physical relation can not be taken into account as her consent and web-copies of the statement of the prosecutrix and other witness which has also been filed show that the prosecutrix has supported the case of the prosecution. Hence, I am of the view that this is not a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge