

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1605 of 2018

Sanjay Das @ Shanidas @ Golu S/o Kamal Das Mahant, Caste- Panika, aged about 19 years, R/o Village Podi Bhartha, Police Station Akaltara, District Janjgir- Champa, presently residing at Motisagar para, Nadi Kinare Korba, Police Station Kotwali, Korba, District- Korba (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through Police Station Ajak Korba, District- Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate
For Respondent	:	Mr. Neeraj K. Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

19/06/2018

1. The applicant has preferred first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 663/2017 registered at Police Station- Ajak Korba, District- Korba (C.G.) for the offence punishable under Sections 363, 366 (A), 376 of IPC and Section 4 of the POCSO Act & Section 3(2) (5) of the SC/ST (Prevention of Atrocities) Act.
2. As per the prosecution story on 16/10/2017 a missing report was lodged by the complainant- Ratan Bai, mother of the prosecutrix that on 15/10/2017 at about 09 to 12 pm, her daughter (prosecutrix), aged about 14 years left her house. The complainant also informed that present applicant/accused had also left his house. On this information, an offence under Section 366 was registered. During investigation on 24/10/2017, the prosecutrix was recovered from the possession of the present applicant. It is alleged that the applicant has committed

forcible sexual intercourse with the prosecutrix against her will on the pretext of marriage on different dates.

3. Learned counsel appearing on behalf of the applicant submits the applicant is innocent and has been falsely implicated in the present case. There is no active role played by the applicant, the prosecution has not collected any cogent material evidence against the present applicant, the applicant is in custody since 24/10/2017, charge-sheet has already been filed and the trial will likely to take some more time, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that there is sufficient evidence against the present applicant. He has committed forcible sexual intercourse with the prosecutrix who is only 14 years of age. Therefore, looking to the above facts and circumstances, he may not be released on bail.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly, considering the fact that prosecutrix is a minor girl aged about 14 years and there is sufficient evidence against the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, MCRC. No.1174/2018 is dismissed.

Sd/-

Judge
Arvind Singh Chandel