

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1713 of 2018**

- Mukesh Kumar Kaiwart S/o Late Heeralal Kaiwart, Aged About 26 Years, R/o- Village Mahantpara, Ward No. 4, Shivrinarayan, Police Station Shivrinarayan, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

**---- Applicant**

**Versus**

- The State Of Chhattisgarh Through- The Police Station Shivrinarayan, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

**---- Non-applicant**

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For Applicant – Ms. Mandavi Bhardwaj, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

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

**Order on Board**

**24-04-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 22-04-2017 in connection with Crime No. 86/2017 registered at P.S. - Shivrinarayan, District Janjgir-Champa, Chhattisgarh for the offence under Section 376,(2)(1), 34, 506 of the IPC and Section 4 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against him according to the prosecution case. The applicant is in jail since 22-04-2017. The trial against him is still not concluded. One of the co-accused person has been granted bail by this Court. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that age of the prosecutrix was 14 years on the date of incident and further she has supported the case in her statement under Section 161

and 164 of the Cr.P.C., hence, no case is made out for grant of bail to this applicant.

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

5. According to the prosecution case, this applicant abducted the minor prosecutrix and kept her in confinement in his own house where he raped her on several occasions by giving threat the prosecutrix. After recovery of the prosecutrix, the case was registered against this applicant.

6. According to the prosecution case, this applicant happens to be the main accused in this case. The allegation against the co-accused was only for providing assistance to the main accused person. Hence, it cannot be said that this applicant is similarly placed in compared to co-accused Rakesh Kumar Kaiwart. Hence, for these reasons, I am not inclined to grant bail to this applicant.

7. Consequently, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**