

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3880 of 2018**

- Raju Gond @ Mehtaaf Khan S/o Gafar Khan Aged About 24 Years R/o Sanjay Nagar, Ward No. 35 Lakholi, Thana Kotwali, Tahsil And District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Kotwali, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	: Shri Parag Kotecha, Advocate
For respondent/State	: Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****10.7.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 28.4.2017 in connection with Crime No.263/2017, registered at Police Station Kotwali, District Rajnandgaon (CG) for the offence punishable under Sections 363, 366, 376, 506 of the Indian Penal Code, under Sections 4 & 12 of Protection of Children from Sexual Officenc Act, 2012 and under Sections 3(2)(5) and 3(1)(B) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution is that prosecutrix belongs to Scheduled Caste whereas the applicant is not a member of Scheduled Caste or Scheduled Tribe. It is alleged that date of birth of prosecutrix is 01.5.2000 and on the date of commission of

offence i.e. on 26.4.2016, she was a minor. The applicant seduced the minor prosecutrix and committed rape on her.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case, he is in jail since 28.4.2017, the trial will take time for its conclusions. He further submits that the report was made against the applicant after one year of the incident, hence, the applicant may be released on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that statement of the prosecutrix is recorded by the trial Court in which she supported the version of the prosecution. As the offence is related to minor tribal girl, the appellant is not entitled for bail.

5. I have heard learned counsel for the parties and perused the case diary.

6. Looking to the allegation especially looking to the minority of the tribal girl and her deposition before the trial Court, I am of the considered opinion that it is not a fit case to grant bail to the applicant.

7. Accordingly, application filed under Section 439 of the CrPC is rejected. However, it is expected that the trial will conclude within four months.

Sd/-

(Ram Prasanna Sharma)

JUDGE