

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1687 of 2019**

- Ritesh @ Ajay Suryavanshi S/o Dasiram Suryavanshi, Aged About 21 Years R/o Village Bharni, P. S. Sakri, District Bilaspur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Masturi, District Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Shri Suresh Kumar Verma, Advocate.
For Respondent/State	: Shri VK Agrawal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/03/2019

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 48/2018, registered at Police Station – Masturi, District- Bilaspur (C.G.) for the offence punishable under Section 363, 366 & 376 the IPC and Section 5 (a) & 6 of the POCSO Act, 2012.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of the prosecutrix before the Trial Court vide order dated 25.09.2018 passed in MCRC No. 5075/2018.
3. In this case, prosecutrix is a girl aged about 16 years. On 15.02.2018, father of the prosecutrix namely Kashiram lodged a missing report of her daughter/prosecutrix. On the basis of said report initially offence under Section 363 of the IPC has been registered. During course of investigation on 28.02.2018, prosecutrix has been recovered and thereafter her statement recorded. On the basis of her statement, other offence have been added. The Applicant is in custody since

25.03.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix has already examined before the Trial Court and in her Court statement, she has not stated anything specific against the Applicant. He further submits that from the statement of prosecutrix, it seems that she was a consenting party. The Applicant is in custody since 25.03.2018 and trial is likely to take some more time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that in her Court statement prosecutrix categorically stated that on the pretext of marriage, the Applicant taken her with him and committed sexual intercourse with her against her will, therefore, looking to the above statement of the prosecutrix, the Applicant may not be released on bail.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the Court statement of the prosecutrix, without further commenting on merits of the case, I am not inclined to release the Applicant on bail.
8. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge