

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5176 of 2019

- Lachhram Ajgalle S/o Bhuneshwar Aged About 20 Years R/o Village Senduras Police Station Malkharoda District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

 For Applicant : Shri F.S. Khare, Advocate
 For Respondent/State : Ms. Reena Singh, P.L.
 Complainant- Fagual is present before this Court.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

05.11.2019

1. The applicant has preferred this 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.79/2018 registered at Police Station Malkharoda, District Janjgir Champa(CG) for the offence punishable under Sections 363, 366, 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act.
2. As per the case of prosecution the complainant lodged report that on 14.3.2018 in the night, his niece aged about 13 years left the house and it is doubted that the applicant might have taken her away. On investigation it was found that the applicant had taken her away and committed sexual intercourse with the prosecutrix.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case. He further submits that the prosecutrix herself had left the house and gone with the applicant on her own will. He submits that the applicant is in custody since 30.1.2019 and trial will likely to take some time, therefore, the applicant may be released on bail.
4. On the other hand, counsel for the State as well as the complainant oppose the bail application.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and that the girl is aged about 13 years, I am not inclined to release the applicant on bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is dismissed.
8. Certified copy, as per rules.

Sd/

(Rajani Dubey)
JUDGE