

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5441 of 2019**

- Roopdhar Puri Goswami S/o Shishupal Goswami Aged About 32 Years R/o Village Barbaspur, Tahsil Dongargaon, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant. : Shri N.K. Chatterjee, Advocate.
 For Respondent. : Shri Anil Tripathi, P.L. for the State

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/11/2019**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 20.06.2019 in connection with Crime No. 231/2018 registered at Police Station : Dongargaon, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366 & 376(2) of IPC and Section 6 of the Protection of Children From Sexual Offences Act, 2012.
2. As per the prosecution case, a complaint has been filed before the concerned police station alleging therein that applicant took the prosecutrix on the pretext of marriage and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. He further submits that there was love affairs between applicant and prosecutrix. Applicant has taken the prosecutrix in various places but she has not raised any objection nor complaint to anybody which shows that the prosecutrix was a consenting party to the act of the applicant. He also submits that the applicant is in jail since 20.06.2019, the charge sheet has been filed and, therefore, he may be released on bail.

4. On the other hand, State counsel opposes the bail application and submits that on the date of commission of offence the prosecutrix was minor.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the age of the prosecutrix, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge