

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6155 of 2019**

- Vijendra Malar S/o Late Raghuvar Malar, aged about 19 years, R/o Pokhratoli, Police Station – Kansabel, District – Jashpur (C.G.) at present – Village – Gangikot, Junapara, P.S. – Vishrampur, District Surajpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station – Vishrampur, District – Surajpur (C.G.)

---- Respondent

For Applicant. : Shri A.K. Prasad, Advocate.
 For Respondent. : Shri Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/12/2019**

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 11.11.2018 in connection with Crime No.176/2018 registered at Police Station : Vishrampur, District – Surajpur (C.G.) for the offence punishable under Sections 363, 366, 376(3), 450 IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The prosecution story, in brief is that, on 06.10.2018 at about 12.00 pm, the prosecutrix left her house without informing anybody, hence, a missing report has been lodged against the unknown person. During investigation, the prosecutrix was recovered from the applicant near bus stand, and based on her statement that the applicant committed forcible sexual intercourse with her on the false pretext of marriage,

offence has been registered. The applicant has been taken into custody on 11.11.2018.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He also submits that the prosecutrix in her statement recorded under Section 164 Cr.P.C. submitted that she accompanied the applicant of her own. Learned counsel also submits that the prosecutrix is a consenting party to the act of the applicant and, as regards the age of prosecutrix, the date of birth has not been proved. It is next submitted that the applicant is in jail since 11.11.2018, the charge sheet has been filed, there is no likelihood of his case being decided in near future and, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. Complainant Shri Ayodhya Malar, father of the prosecutrix, also present before this Court and opposed the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, and further considering the quality of evidence, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge