

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6366 of 2019**

- Anil Nishad S/o Shri Sukhlal Nishad Aged About 19 Years R/o Village Khurmudi, Chouki - Siliyari, Police Station - Dharsiva District Raipur Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through Police Station - Dharsiva District Raipur Chhattisgarh.

---- Respondent

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| For Applicant.       | : | Mr. Devarshi Thakur, Advocate. |
| For Respondent/State | : | Mr. B.L. Sahu, PL              |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****20.12.2019**

1. Complainant is not present today though notice has been served.
2. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 312/2019 registered at Police Station : Dharsiva, District Raipur (C.G.) for the offence punishable under Section 376 of IPC and Sections 4 & 6 of the Protection of Children From Sexual Offences Act, 2012.
3. As per the prosecution case, the present applicant has committed sexual intercourses with the prosecutrix against her will. Thereafter, offence has been registered against the applicant and he was arrested.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that applicant is in jail since 28.06.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
5. On the other hand, State counsel as well as complainant opposes the bail application and submits that on the date of commission of offence the prosecutrix was below 16 years.
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, detention period of the applicant, in particular the age of the prosecutrix, 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**