

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6293 of 2019**

- Krishna Rajwade S/o Rajesh Aged About 21 Years, R/o Tenduwa, Police Station Patna, District Koriya, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station - Ajak, District Koriya, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Anil Gulati, Adv.
For Respondent/State	:	Mr. B.L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 18/2019 registered at Police Station Ajak, District-Koriya (C.G.) for the offence punishable under Sections 363, 366, 376(2)(अ) of the IPC and 4, 6 of POCSO Act and 3(2-5)(क), 3(2)(5) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. The prosecution story, in brief is that, an FIR was lodged by the father of the victim that on 13.06.2019, he along with his family went to attend the marriage ceremony and when about 8.00 O'clock her daughter came out from home to pour water, accused/applicant Krishna Rajwade taken the prosecutrix, to one room of farm and on pretext of marriage he committed sexual intercourse against her will with the

prosecutrix. Based on this offence has been registered against the present applicant. Present applicant has been taken into custody on 05.07.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. The applicant is in jail since 05.07.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime to seduce the girl of scheduled caste and scheduled tribe and the age of the prosecutrix is below 16 years. So, it is not a fit case to release him on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, 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**