

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 191 of 2020**

- Kamlesh Rawte S/o Jhumuk Rawte, aged about 19 years, R/o Bhimkanhar, Police Station Suregaon, District Balod (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police of Police Station – Suregaon, District Balod(C.G.)

---- Respondent

For Applicant. : Shri Anil Gulati, Advocate.
 For Respondent. : Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11/02/2020**

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 12.01.2019 in connection with Crime No.02/2019 registered at Police Station : Suregaon, District Balod (C.G.) for the offence punishable under Sections 363, 366, 376 IPC, Sections 4, 5(l) and 6 of Protection of Children from Sexual Offences Act.
2. The prosecution story, in brief, is that complainant/father of the prosecutrix made a written complaint before Police Station Suregaon, District Balod (C.G.) alleging therein that on 09.01.2019 his daughter left the house and some unknown person took her away from the lawful guardianship. During the course of investigation, prosecutrix recovered from the applicant and her statement was recorded. Based

on this, offence has been registered. The applicant has been taken into custody on 12.01.2019.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that it is a case of consent and the prosecutrix accompanied the applicant of her own without informing the family members. He also submits that the applicant is in jail since 12.01.2019, 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. He also submits that the age of the prosecutrix is 14 years and 11 months.
5. Complainant is also present in person before this Court and submits that the bail may not be granted to the applicant.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering that the prosecutrix appears to be minor aged 14 year and 11 months, 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