

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 799 of 2020**

- Suraj Kumar Mahto S/o Govind Mahto Aged About 21 Years R/o. Ward No. 35, Near Durga Mandire, Khursipar, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Jitendra Gupta, Advocate.
For Respondent/State	:	Ms. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 284/2019 registered at Police Station – Bhilai Nagar, District Durg (C.G.) for the offence punishable under Sections 363, 366-A, 506, 34 of IPC and Section 18 of POCSO Act.
2. As per the prosecution case, on 10.08.2019, after alluring the prosecutrix, co-accused took the prosecutrix and stayed her in the house of her friend namely Sheetal and threatened the prosecutrix not to run away from there and after some days they handover the prosecutrix to the applicant. The allegation against the present applicant is that he forcefully took the prosecutrix to the hotel but, at that time, the mother of the prosecutrix came there and took her daughter and lodged a report to the concerned police station. Based on that, after investigation, offence has been registered against the

applicant and he has been arrested.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that no specific allegations are made against the applicant, he only took the lift to the prosecutrix but at that time mother of the prosecutrix came there and misinterpreted the case. He next added that the applicant is in jail since 23.08.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
4. Per contra, State counsel opposes the bail application submitting that the prosecutrix is minor girl below 16 years of age, so looking to the age of the prosecutrix and gravity of the crime, the applicant may not be granted bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature and gravity of the crime, detention period of the applicant, 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**