

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1326 of 2020**

- Tameshwar Yadav, aged about 19 years, S/o Malikram, By Caste Raut, R/o village Nalkasha, Thana Mahamaya, District Balod (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Antagarh, District Uttar Bastar Kanker (C.G.)

---- Respondent

For Applicant. : Shri Parag Kotecha, Advocate.
For Respondent. : Shri B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/03/2020**

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 26.09.2019 in connection with Crime No.70/2019 registered at Police Station : Antagarh, District Uttar Bastar Kanker (C.G.) for the offence punishable under Sections 363, 376(2)(n), 376(3) IPC, Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the SC/ST Act.
2. The allegation against the present applicant is that he committed sexual intercourse with the prosecutrix despite knowing the fact that she is aged about 15 years and belongs to reserved category. Based on this, offence has been registered. The applicant has been taken into custody on

26.09.2019.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that there is no prima facie evidence showing that the applicant at all is involved in the aforesaid crime. The applicant has been implicated in the case only on suspicion. He also submits that the applicant is in jail since 26.09.2019, 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.
5. Complainant/mother of the prosecutrix has also opposed the bail application.
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, 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