

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.1479 of 2020**

- Jamanalal Ahirwar S/o Prabhulal Aged about 40 years, r/o Village Kathia hat, District- Rajgarh, M.P.

**---- Applicant**

***Versus***

- State Of Chhattisgarh Through Police Station Darbha, District- Bastar Chhattisgarh

**---- Non-applicant**

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For Applicant : Mr. Vikash A. Shrivastava, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**29-06-2020**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 29.04.2019 in connection with Crime No.10/2019, registered at Police Station- Darbha, District- Bastar, C.G. for offence punishable under Sections 363, 376(3), 366(A) and 506(II) of I.P.C. and Section 04 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 29.04.2019 and has been falsely implicated in this case. The prosecutrix has made statement that she had accompanied the applicant from Raipur to Bhopal in a train. She never made any objection and she had a mobile phone in her possession by which she has not contacted anybody. Therefore, it is a pure case of consent. Hence, it is prayed that this applicant may be enlarged on bail.
3. Learned counsel for the State/non-applicant formally opposes the application and submits that the age of prosecutrix was below 16 years,

therefore, any consent or willingness on her part is immaterial.  
Therefore, the application be rejected.

4. The prosecutrix, who is present along with her father- Mahadev Nag in this virtual Court through the Help Desk of this High Court, has made a statement that she has objection in grant of bail to this applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and took her to Bhopal, where by keeping the prosecutrix in his custody, he has exploited the prosecutrix sexually on a number of occasions.
7. After considering the facts of the case and also looking to the objection of the complainant side, I am of this view that this is not a fit case for grant of bail to the applicant.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.
9. Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge